APCD Privacy, Security, and Confidentiality (PSC) Committee

January 23, 2014

Proposed Privacy, Security, and Confidentiality Committee Objectives (Draft)

The overall objective of the Database Privacy, Confidentiality, and Data Security Workgroup is to create effective and transparent policy to ensure PHI is properly protected, while maintaining health information needed to improve healthcare quality and efficiency in Connecticut. To this point, the workgroup will focus on the following initiatives:

- Formulation of a review/approval framework for data release to the research and public health community
- Creation of a data accessibility charter to determine use cases and clearance levels for varying levels of data access
- Preparation of a functional data use agreement between Access Health Analytics and future data requesters
- Ongoing development and evaluation of data protection policies to functionally mitigate data breach and re-identification risks
- Identification of legal limits/boundaries of data reporting, e.g., FTC DOJ requirements for price transparency, HIPAA restrictions on cell size requirement for reporting

Privacy, Security, and Confidentiality Public Commentary Topics

Topic	Commenters	Comment/Request Categories:
Individual Privacy Rights	• Anthony Correia • CSMS • Karen Hluchan • Lu Morowitz • Susan Israel	• Data collection lacks patient consent • Provider SSNs may not be needed if NPI IDs are collected for providers
Data Release Policy	• Kevin Lembo (CT Comptroller), • CAHP • CHA • Jean Rexford & Ellen Andrews • The Health Disparities Institute • Mary Alice Lee	• A ban on promotional and marketing uses for APCD data should be imposed • Protection against release of information that may lead to anti-competitive activities or infringement of anti-trust concerns • An explicit statement identifying the entities/organizations allowed to receive data is needed within the policies and procedures • Disclose a data pricing model which does not inhibit or impede access to data, and is clearly communicated. • Create a third party appeals process for denied data request

Privacy, Security, and Confidentiality Public Commentary Topics

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Data Disbursement Review Process	• Kevin Lembo (CT Comptroller) • CAHP • CSMS • DPH • Jean Rexford & Ellen Andrews • The Health Disparities Institute • Mary Alice Lee	• A determination of data releases to third parties should be administered through an appeals process and an IRB/Human Committee like-body • Data requests for APCD data should be disclosed publically • A provision is needed to ensure requesters will not use data for anti-competitive activities
APCD Entity Status	• CHA	• Request for clarification on the legal status of the APCD or the exchange (HIPAA covered entity, business associate, etc.)
HIPAA Compliance	• The Health Disparities Institute • Mary Alice Lee	• Propose the exchange identify data elements that are determined non-compliant with HIPAA safeguards • Identify the cases in which HIPAA protected data components may be released.