De-Identifying Reports to Meet HIPAA Standards

Do not send protected health information (PHI) to NAEC. All of the information you send us must be de-identified. Centers will be notified if any PHI is found in a report. Centers will be required to properly de-identify and resubmit all reports prior to the processing of your center's accreditation application. If your center does not de-identify appropriately, then your center will not be accredited in 2027.

The US Department of Health and Human Services (HHS) has published a document entitled "Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule," which is available on its website.[1]

According to HHS, the HIPAA Privacy Rule, at 45 C.F.R. §164.514, provides standards for de-identification of protected health information. Under these standards, health information is not individually identifiable if it does not identify an individual and if the covered entity has no reasonable basis to believe it can be used to identify an individual.

Sections 164.514(b) and(c) of the Privacy Rule contain the implementation specifications that a covered entity must follow to meet the de-identification standard. There are two methods by which health information can be de-identified. NAEC is asking centers to follow the "Safe Harbor" method of de-identifying protected health information. NAEC cannot provide legal advice. While we have described the "Safe Harbor" method in more detail below, please consult qualified legal counsel if you have questions.

Information Regarding Satisfying the Safe Harbor Method

In §164.514(b), the Safe Harbor method for de-identification is defined as follows:

(2)(i) The following identifiers of the individual or of relatives, employers, or household members of the individual, are removed:

<table>
<tr><td colspan="2">(A) Names</td></tr>
<tr><td colspan="2">(B) All geographic subdivisions smaller than a state, including street address, city, county, precinct, ZIP code, and their equivalent geocodes, except for the initial three digits of the ZIP code if, according to the current publicly available data from the Bureau of the Census:
(1) The geographic unit formed by combining all ZIP codes with the same three initial digits contains more than 20,000 people; and
(2) The initial three digits of a ZIP code for all such geographic units containing 20,000 or fewer people is changed to 000</td></tr>
<tr><td colspan="2">(C) All elements of dates (except year) for dates that are directly related to an individual, including birth date, admission date, discharge date, death date, and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older</td></tr>
<tr><td>(D) Telephone numbers</td><td>(L) Vehicle identifiers and serial numbers, including license plate numbers</td></tr>
<tr><td>(E) Fax numbers</td><td>(M) Device identifiers and serial numbers</td></tr>
<tr><td>(F) Email addresses</td><td>(N) Web Universal Resource Locators (URLs)</td></tr>
<tr><td>(G) Social security numbers</td><td>(O) Internet Protocol (IP) addresses</td></tr>
<tr><td>(H) Medical record numbers</td><td>(P) Biometric identifiers, including finger and voice prints</td></tr>
<tr><td>(I) Health plan beneficiary numbers</td><td>(Q) Full-face photographs and any comparable images</td></tr>
<tr><td>(J) Account numbers</td><td rowspan="2">(R) Any other unique identifying number, characteristic, or code, except as permitted by paragraph (c) of this section; and</td></tr>
<tr><td>(K) Certificate/license numbers</td></tr>
</table>

(ii) The covered entity does not have actual knowledge that the information could be used alone or in combination with other information to identify an individual who is a subject of the information.

[1] Available at http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/De-identification/guidance.html.