

# Greater New Orleans Health Information Exchange (GNOHIE)

## DATA USE, RETENTION AND DISCLOSURE POLICY

**Approval Date:** 5-22-2012

**Effective Date:** 6-15-2012

**Scheduled Review Date:** 5-20-2014

**Goal:** The *Data Use, Retention and Disclosure* policy aims to ensure that the Greater New Orleans Health Information Exchange (GNOHIE) and GNOHIE Participating Organizations and Members appropriately use and disclose health information consistent with sound policy and in accordance with applicable law. Establishing protocols related to how protected health information (PHI) can be used and disclosed is essential to build trust among members.

**Scope:** This policy applies to GNOHIE and data stored within GNOHIE.

**Purpose:** This policy describes the Partnership for Achieving Total Health (PATH's) responsibility, as the primary project manager and fiduciary agent of GNOHIE, as it relates to data use and disclosure of information available through the GNOHIE. Establishing requirements around data use and disclosure in permissible situations is critical to sharing data electronically. PATH is responsible for guarding against the inappropriate use and disclosure of PHI available through GNOHIE.

### Policy:

1. The GNOHIE shall not disclose any information to an unauthorized entity. PATH is responsible for the appropriate use and disclosure of information through GNOHIE.
2. The GNOHIE shall require Participating Organizations and Members to limit the use and disclosure (including re-disclosure) of information obtained through the system for purposes related to treatment, payment and health operations (TPO) and approved secondary uses. The GNOHIE does allow Participating Organizations and Members to disclose electronic health information obtained through the system, as appropriate, to authorized business associates that have signed a Business Associates Agreement (BAA) with the Participating Organization or Member that is at least as protective as the GNOHIE's BAA.
3. The GNOHIE shall include in its Information Sharing Agreement (ISA) the terms and conditions for the use and disclosure of information obtained through the system to ensure that data made available through the system is not inappropriately used or disclosed.
4. The GNOHIE shall maintain patient data on the system for the historical period of 24 months prior to the Participating Organization or Member's go-live date and throughout GNOHIE's existence. In the event a patient opts-out of the GNOHIE, the GNOHIE will prohibit further sharing of such data, except in emergencies, within 3 calendar days of receiving the opt-out notice from the participating organization. Data that was shared prior to the election of the patient's opt-out notice if the patient previously consented cannot be recalled.
5. PATH shall require Participating Organizations and Members to submit all discovered corrections to the data made available through GNOHIE to PATH. PATH will update the data with the applicable corrections within 3 calendar days of receiving the correction from the Participating Organization or Member. PATH shall issue a monthly report of corrections made to the data maintained on GNOHIE to all Participating Organizations and Members.

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6. PATH shall verify the authenticity of subpoenas, court orders, or discovery requests for the disclosure of PHI maintained on GNOHIE. PATH's legal counsel will be consulted upon receipt of these documents, and if appropriate, shall confer with counsel for any affected participants. PATH shall respond to these requests in the timeframe consistent with existing law.
7. The GNOHIE shall not release data for marketing or commercial purposes and shall require Participating Organizations and Members to adhere to the same requirements. The use of consumer information available through the GNOHIE for purposes other than TPO and approved secondary uses is prohibited by the GNOHIE and all Participating Organizations and Members.
8. The GNOHIE shall not release data to public health reporting agencies. The obligation to report state mandated patient events shall remain with the direct treatment provider.

### **Associated Policies:**

1. *Patient Consent*
2. *Breach Notification*
3. *User Access Control*