
Title:	DPH Privacy and Security Manual
Chapter:	II. Administrative Policies, Privacy Official
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Purpose

The purpose of the Division of Public Health (DPH) Privacy Official policy is to address the requirement that DPH designates a Privacy Official to serve as the primary point of contact for all privacy-related issues for the Division. This policy is in compliance with the [DHHS Policy and Procedure Manual, Section VIII, Security and Privacy](#), that establishes the NC Department of Health and Human Services (DHHS) requirements for Privacy Officials. The DPH Privacy Official will be responsible for the coordination and facilitation of compliance activities associated with Division privacy policies. This policy also describes the overall organizational approach for oversight and adherence to DHHS privacy policies.

Policy Scope: The policy applies across the Division to all DPH workgroups who maintain, use, have access to, or come into contact with Individually Identifiable Health Information (IIHI).

Background

The HIPAA Privacy Rule requires the designation of personnel who are responsible for the implementation of privacy policies and procedures, as well as personnel who are responsible for receiving complaints and answering questions concerning privacy.

DHHS, as a hybrid entity, must designate a Privacy Officer who is responsible for the coordination and implementation of all privacy and confidentiality efforts within the department. In addition, DHHS has determined that the department agencies are either covered healthcare components or business associates of covered components that must designate a Privacy Official to act as the primary point of contact for the issues regarding the privacy of health information that is used within or disclosed outside of that agency.

Policy

The Division, which consists of DPH workgroups that have access to IIHI, shall designate a Privacy Official. While not wholly covered by the HIPAA Privacy Regulation, the Division contains both covered healthcare components and business associates, which are required by HIPAA and DHHS policy to designate a Privacy Official. The Privacy Official designated by the Division shall ensure the privacy and confidentiality of IIHI by providing guidance for the use and disclosure of that information.

The Division has determined that it will designate a Privacy Official at the Division level, rather than individual Privacy Officials for each of its covered components and business associates. The DPH Privacy Official will be the primary point of contact for all privacy-related issues for the Division.

Responsibilities

The following lists the responsibilities for the DPH Privacy Official. The responsibilities for the DHHS Privacy Officer are also listed in this document.

Division of Public Health Privacy Official

The DPH Privacy Official shall guide the Division's activities related to adherence to DHHS privacy policies regarding the use and disclosure of IIHI, in accordance with state and federal laws, program regulations and procedures, DPH business practices, and DHHS Privacy Officer direction.

The DPH Privacy Official responsibilities shall also include, but are not limited to, the following:

- Serve as primary DPH contact for privacy issues and concerns regarding the use and disclosure of IIHI and for client rights regarding health information.
- Serve as the DPH liaison to the DHHS Privacy Officer for privacy-related activities.
- Coordinate and facilitate efforts to support DPH in the accomplishment of its privacy compliance activities.
- Coordinate responses to client requests for further information concerning the Notices of Privacy Practices for the State Laboratory for Public Health, which is a covered health care component under the HIPAA Privacy Rule.

The Division is responsible for ensuring its compliance with Department privacy policies. The following are some of the Division requirements in which the DPH Privacy Official may participate:

- Develop procedures based on department privacy policies to ensure the protection of IIHI within the agency.
- Implement DPH privacy requirements by incorporating new privacy practices into DPH business operations.
- Ensure applicable privacy training delivery to DPH staff and extended workforce.
- Provide a designated DPH contact for privacy complaints and ensure that all complaints are appropriately documented.

- Monitor DPH compliance with DHHS privacy policies.
- Ensure appropriate use and disclosure of IHI and client rights in regards to health information.
- Provide reasonable privacy protections for IHI within the agency.

Implementation

The Division Director shall designate a DPH Privacy Official and determine the reporting and organizational requirements for the Privacy Official within the Division. The designated Privacy Official may have other primary job functions in addition to privacy responsibilities.

The DPH Privacy Official will head the DPH Privacy Office, which will be responsible for the coordination and facilitation of compliance activities within the Division. In addition, the Division shall designate HIPAA Coordinators and Privacy Contacts within its covered health care components.

The DPH Privacy Official will work with DPH management, with DPH Human Resources, and with the Legal and Regulatory Affairs Section to help ensure that all privacy-related issues integrate with DPH business operations and comply with appropriate personnel policies and other regulatory requirements.

The DPH Privacy Official designation has been communicated to DHHS and DPH senior management and to the DHHS Privacy Office. This designation can be accessed at the DPH HIPAA web site at <http://www.schs.state.nc.us/hipaa/>.

Organizationally, the DPH Privacy Official reports directly to a supervisor within the Division, as determined by Division management. The DPH Privacy Official also has an indirect reporting relationship to the DHHS Privacy Officer for privacy-related activities only.

References: DHHS Directive Number III-11; DHHS Policy and Procedure Manual, Section VIII, Security and Privacy, DPH HIPAA Compliance Statement, 42 CFR 164.530, NC General Statutes 132-6, NC General Statutes 130A, 10A NCAC

For questions or clarification on any of the information contained in this policy, please contact the DPH Privacy Office at HIPAA.DPH@ncmail.net.