

# **CONFIDENTIAL NATURE OF DEPARTMENT AFFAIRS, PROTECTED HEALTH INFORMATION PRIVACY REQUIREMENTS & PUBLIC RECORDS ACCESS**

**720**

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	Director: _____

## **PURPOSE**

The health and financial information received by TriCounty Health is important for program, legal, statistical, and research purposes. It is essential that the general public has confidence that TriCounty Health respects their privacy and maintains confidentiality of the information reported on records filed with TriCounty. Statutory and regulatory requirements make it imperative that all employees follow the rules on confidentiality as outlined below. The internal business affairs of TriCounty Health are assets that every employee has a continual obligation to protect.

Furthermore, it is the policy of TriCounty Health to adhere to the privacy provisions contained in the Health Insurance Portability and Accountability Act ("HIPAA") in order to ensure that protected health information ("PHI") is not misused or improperly disclosed.

## **POLICIES AND PROCEDURES**

### **CONFIDENTIAL NATURE OF DEPARTMENTAL AFFAIRS**

1. Employees have a responsibility to avoid unnecessary disclosure of non-confidential internal information about TriCounty Health, its employees, its customers, and its suppliers. However, this employee's responsibility to safeguard internal TriCounty Health affairs is not intended to impede normal business communications and relationships.
2. Any knowledge concerning any person or entity accumulated in the capacity of an employee's service (paid or volunteer) to TriCounty Health is considered strictly confidential and shall not be divulged to other persons under any circumstances unless express written permission for release is given by the involved individual(s).

3. Any knowledge concerning any person or entity, accumulated outside an employee's service (paid or volunteer) to TriCounty Health, is considered strictly confidential and shall not be divulged to other persons when the employee is acting as a representative, or could be construed to be acting as a representative of TriCounty. This applies during working hours or before or after working hours under any circumstance, unless express written permission for release is given by the involved individual(s).
  - a. "Entity" refers to any person, organization, business, etc., which receives services from or is regulated by TriCounty Health.
  - b. "Other persons" refers to any client, visitor, family member, friend, associate, peer, colleague, or staff. Exceptions for staff are whenever the information involves the rendering of departmental services to clients and is limited strictly to the performance of those services.
4. All records, files, applications, and notes concerning clients shall be kept in strictest confidence at all times according to the Government Records Access and Management Act (GRAMA)([UCA § Title 63G, Chapter 2](#)) and the Health Insurance Portability and Accountability Act of 1996 and employees will comply with all TriCounty Health policies concerning such records.
5. If we receive a subpoena, court order, or any other form of compulsory legal process (including requests under a state public records act or the Freedom of Information Act) seeking the disclosure of non-public information, we will promptly notify our legal counsel. We will not release the requested information unless directed by legal counsel.
6. TriCounty Health does not disclose non-public information obtained from or owned by another entity. When a request seeks the disclosure of non-public information obtained from or owned by an entity other than TriCounty Health, we will promptly notify our legal counsel and provide timely notice to the affected entity. We will not release the requested information until the entity has had a reasonable opportunity to pursue appropriate legal remedies, unless otherwise directed by legal counsel.
7. Employees are prohibited from obtaining or reviewing, or attempting to obtain or review confidential information unless they are specifically assigned to work with such information or have received authorization to access the information. Copies of records will not be made or removed from the office where they are filed unless specifically authorized by the appropriate Division Director. Employees violating this policy will be subject to discipline, up to and including termination, and may be subject to legal action. (See 700 - Employee Behavior)
8. All employees and volunteers are required to read and sign a confidentiality agreement and must treat the information as proprietary TriCounty Health property for which they are personally responsible.
9. The Director of Nursing is designated as the HIPAA Privacy Officer and is responsible for coordinating the security and control of TriCounty Health information and for approving any exceptions to this policy. Division Directors are responsible for identifying information that should be classified as confidential and should work closely with the Director of

Nursing to develop procedures to secure and control the information. Information that is designated as confidential should be clearly identified and properly secured.

10. All media inquiries and other inquiries of a general nature must be referred to the Public Information Officer. In addition, all press releases, publications, or other official declarations must be approved in advance by the Health Officer, Public Information Officer, or Division Director. (See 740 - Media Activities)
11. Questions about employee references or other information concerning current or former employees should be referred to the Human Resources Manager or Division Directors in the absence of the Human Resources Manager.
12. Employees are prohibited from disclosing inside information and are also prohibited from using that information for their own personal profit. (See 710 - Conflicts of Interest and Code of Ethics)

## **PROTECTED HEALTH INFORMATION**

1. Protected health information includes all medical records and other individually identifiable health information held or disclosed in any form, whether communicated electronically, on paper, or orally.
2. Neither TriCounty Health nor any of its employees will use or disclose protected health information without the consent or authorization of the person to whom it pertains, except as permitted or required by law.
3. TriCounty Health will establish appropriate administrative, technical, and physical safeguards to protect the privacy of health information from intentional or unintentional use or disclosure in violation of the privacy rule.
4. All employees and clients will be provided with a copy of the Notice of Privacy Practices for Protected Health Information.
5. Employees will be required to complete annual training on TriCounty's HIPAA Policies and Procedures.
6. Employees who violate this policy will be subject to discipline, up to and including termination, and may be subject to legal action. Employees who violate HIPAA's privacy regulations may be subject to civil penalties for negligent violations and criminal fines, imprisonment, or both for knowing violations.

## **ACCESS TO PUBLIC RECORDS**

1. TriCounty Health shares records that are not private, controlled, protected, or exempt from disclosure in accordance with [UCA § Title 63G. Chapter- 2](#) Government Records Access and Management Act.

2. TriCounty Health only shares public records that are owned and created by TriCounty Health. Requests for public records created or owned by external entities will be referred to the appropriate external entity.
3. The Public Information Officer is designated as the GRAMA Officer and all requests for public records should be run through the GRAMA Officer or their designee.
4. In accordance with UCA § 63G-2-203, TriCounty Health:
  - a. Charges a fee which covers actual costs of staff time required to search, retrieve, summarize and/or redact information as needed.
  - b. The fee is equal to the actual salary costs of the lowest-paid employee capable of performing the specific required tasks to comply with the request and shall be approved by the Health Officer.
  - c. The first quarter hour of staff time is free of charge.
  - d. Upfront payment is required when costs to comply will exceed \$50 or when the requester has a history of not paying fees from previous requests.
5. TriCounty Health reserves the right to deny a record request where a response would require the creation of a record where one did not previously exist or where staff time required to compile, format, manipulate, package, summarize, or tailor information is deemed overly burdensome.
6. All requests for information that are anticipated to require more than 15 minutes of staff time must be made through the Utah.gov Open Records Portal (located at <https://archives.utah.gov/transparency-services/open-records-portal/> as of 2025).
7. Record requests submitted to TriCounty Health are considered public records and may be made available to the public.