

**HIPAA Privacy Policy #37**  
**Uses and Disclosures of De-identified Protected Health Information**  
**Without Patient Authorization**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.502; 164.508; 164.514; 164.528; 164.530
Authorized by: Equinox Board of Directors	Version #:

**Policy:** Information that has been de-identified according to the Procedures listed below is not Protected Health Information and Equinox, Inc. may use and disclose such de-identified information for any purpose without a patient's written Authorization. *45 C.F.R. § 164.502(d)(1)-(2).*

**Procedures:**

1. **De-identified Information:** Protected Health Information is de-identified if it meets one of the two following criteria: *45 C.F.R. § 164.514(b).*
  - a. **Removal of identifiers:** The following identifiers of the patient and of relatives, employers and household members of the patient must be removed from the information:
    - i. names;
    - ii. geographic subdivisions smaller than a state;
    - iii. all dates related to the patient (except year); i.e., birth date, admission date, discharge date, date of death;
    - iv. all elements of dates, including year, for all patients ages 89 or older, except that such ages and elements may be aggregated into a single category of age 90 or older;
    - v. telephone numbers and fax numbers;
    - vi. e-mail addresses;
    - vii. social security numbers;
    - viii. medical record numbers;
    - ix. health plan beneficiary numbers;
    - x. account numbers;
    - xi. certificate/license numbers;
    - xii. vehicle identification numbers and serial numbers (including license plate);

- xiii. device identifiers and serial numbers;
  - xiv. web universal resource locators (URLs);
  - xv. internet protocol(IP) addresses;
  - xvi. biometric identifiers (including finger and voice prints);
  - xvii. full face photos and similar images; and
  - xviii. any other unique identifying number, characteristic or code. *45 C.F.R. § 164.514(b)(2)*.
- b. Determination by Expert: A person with knowledge of, and experience with, generally accepted statistical and scientific principles and methods for de-identifying information must:
- i. make a determination that the risk is very small that the information could be used by an anticipated recipient to identify the subject of the information; and
  - ii. document the methods and results of the analysis that justify that determination. *45 C.F.R. § 164.514(b)(1)*.
2. Code for Re-identifying Information: Equinox, Inc. may use a code or key when removing identifiers from information to allow the information to be re-identified as long as the code is kept secret by Equinox, Inc. and is not readily decipherable by outside parties. *45 C.F.R. § 164.514(c)*.
3. Minimum Necessary: The Minimum Necessary Rule does not apply to de-identified information. *See Equinox, Inc.’s Policy No. 7 entitled “Minimum Necessary Uses, Disclosures and Requests of Protected Health Information.” 45 C.F.R. §§ 164.514(d)(1)-(5), 164.502(d)*.
4. Log of Disclosures: Equinox, Inc. is not required to log disclosures of de-identified information in the patient’s Log for Accounting of Disclosures. (*See Equinox, Inc.’s Policy No. 32 entitled “Accounting of Disclosures.” 45 C.F.R. § 164.528(a); N.Y. Public Health Law § 18(6)*).
5. Special Protection for Highly Sensitive Protected Health Information: In accordance with certain Federal and New York State laws, Equinox, Inc. must provide greater privacy protections to highly sensitive Protected Health Information, which includes information that relates to HIV, Mental Health, Psychotherapy Notes, Alcohol and Substance Abuse Treatment, and Genetics. The Privacy Officer, and legal counsel when appropriate, should be consulted prior to the disclosure of such information. *See Equinox, Inc.’s Policy No. 14 entitled “Uses and Disclosures of Highly Sensitive Protected Health Information.”*