



DATA PRIVACY & PROTECTION

Protecting personal Data

INTRODUCTION

- Data collection is happening all around us, all the time. How we are counted depends on information that we release, or someone else releases about us.
- Employees and agencies providing individual personal supports in health care facilities, homes, and community are bound by laws to keep data protected and confidential.
- There are many laws that protect privacy. The main laws we strive to comply with are HIPAA and section 245D.04(3a) and 245D.95 subdivision 4, of the 245D Home and Community Based Services Standards.
- Laws, rules and policies are in place to protect us from discrimination and other dangers that may occur when private data is collected and manipulated for physical, financial, emotional, and/or social harm.

What is Private Health Information?

- **Private data includes all information on persons that has been gathered by or from other sources for service purposes as contained in an individual data file, including their participation and status of service.**

Includes name, social security numbers, birthdate, address, phone numbers and account numbers.

- **Data is private if it is about individuals and is classified as private by state or federal law.**

Who is permitted access to such data?

- **The individual who is the subject of the data or a legal representative.**
- **Anyone to whom the individual gives signed consent to view the data.**
- **Employees of the welfare system whose work assignments reasonably require access to the data. This includes staff persons in this program.**
- **Anyone the law says can view the data.**
- **Data collected within the welfare system about individuals are considered welfare data. Welfare data is private data on individuals; including medical and/or health data. Agencies in the welfare system include, but are not limited to: Department of Human Services; local social services agencies, including a person's case manager; county welfare agencies; human services boards; the Office of Ombudsman for Mental Health and Developmental Disabilities; and persons and entities under contract with any of the above agencies; this includes this program and other licensed caregivers jointly providing services to the same person.**
- **Once informed consent has been obtained from the person or the legal representative there is no prohibition against sharing welfare data with other persons or entities within the welfare system for the purposes of planning, developing, coordinating and implementing needed services.**

What does this mean for you?

- **Any information that you have about the person you provide services to should be considered confidential.**
- **Just because you provide support services does not authorize you to share information with others or use the recipient's name or personal information without their consent, for a specific activity.**
- **You may not email or post on social media information or details that describe the person or services you provide for them in a manner that identifies them or their diagnosis.**