

## Attachment C.3: NCHS' Advance Package Confidentiality Brochure

### Other safeguards for your privacy

- Items that could be used, either directly or indirectly, to identify health care providers or their patients are removed from public-use data files. Names, addresses, dates of birth, dates of service, and location of the health care establishment are never released to the public.
- NCHS withholds statistical totals if they represent a location so small that the numbers might identify someone.
- Information security procedures, including use of coded passwords and physical security of computers, prevent unauthorized access to the data.
- The restriction on who sees personal information extends from the highest levels of our government (we can deny the President and any member of Congress access to confidential information as well as Immigration, Justice, and IRS officials) to the kinds of inquiries we are all increasingly worried about (market research firms, insurance companies, employers). Your survey responses are also protected from the Freedom of Information Act as well as court subpoenas.
- All published summaries are presented in such a way that no respondent can be identified.

We believe that our procedures for safeguarding information and our record of protecting the privacy of respondents are reasons why so many providers readily participate and provide reliable, high quality information. As a result, ample representative and accurate statistical information on health care utilization is made available every year to the American public, health care providers, the U.S. government, and the research community.

### For further information

NCHS data are released in printed reports, CD-ROMs, and on the NCHS website.

<http://www.cdc.gov/nchs/>

For more information about how NCHS protects the information you provide, see:

<http://www.cdc.gov/nchs/about/policy/confidentiality.htm>

or contact:

Information Dissemination Staff  
3311 Toledo Road, Room 5412  
Hyattsville, MD 20782

For specific questions about how NCHS protects the information you provide, contact:

Confidentiality Officer  
Eve Powell-Griner, Ph.D.  
3311 Toledo Road, Room 7116  
Hyattsville, MD 20782

Telephone: (888) 642-4159  
E-mail: [EPowell-Griner@cdc.gov](mailto:EPowell-Griner@cdc.gov)

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# How the National Health Care Surveys Keep Your Information

# Strictly Confidential

National Ambulatory Medical Care Survey  
National Hospital Ambulatory Medical Care Survey  
National Survey of Ambulatory Surgery  
National Hospital Discharge Survey  
National Survey of Residential Care Facilities  
National Nursing Home Survey  
National Hospital Care Survey



Centers for Disease  
Control and Prevention  
National Center for  
Health Statistics

## Protecting the public's privacy...no idle pledge

**There is safety in numbers,  
especially our numbers!**

### **The law . . .**

Information collected in the National Health Care Survey (NHCS) is used for research and statistical purposes. No information that could identify a person or establishment can be released to anyone—including the President, Congress, or any court—without the consent of the provider.

### **The affidavit . . .**

Anyone working for the National Center for Health Statistics (NCHS) must sign an affidavit—a legal document making them subject to the Privacy Act, the Public Health Service Act, and other laws.

### **The penalties . . .**

Unauthorized disclosure of confidential statistical information is considered a class E felony that is punishable by imprisonment for up to 5 years, a fine of \$250,000, or both.

### **The record . . .**

Since its first survey in 1957, NCHS has not released any confidential information to anyone not entitled to have it.

NCHS is well known for the high quality statistical information it provides. Maintaining that level of quality is not possible unless those who provide us with this information can be guaranteed confidentiality.

The confidentiality of records is of primary concern to NCHS. This principle is firmly grounded in Federal laws, including the Privacy Act; the Public Health Service Act, the E-Government Act of 2002, and Title 18 of the United States Code. NCHS staff must sign a pledge to obey these laws and associated regulations to prevent disclosure of information, and they must follow strict procedures concerning data access, physical protection of records, avoidance of disclosure, and maintenance of confidentiality.

### **Unblemished record for maintaining privacy during data collection and processing**

NCHS collaborates with other organizations, for example, the U.S. Census Bureau and private research companies, to collect and process data for NHCS. These groups have an impeccable record of protecting the privacy of survey respondents.

### **HIPAA Privacy Rule on health information and survey participation**

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule permits you to make disclosures of protected health information without patient authorization for public health purposes and for research that has been approved by an institutional review board (IRB) with a waiver of patient authorization. The NHCS meets both of these

criteria. As part of the IRB approval process, reviews were conducted of the surveys' procedures for handling protected health information, and practices were determined to be appropriate for safeguarding respondent confidentiality. Additionally, disclosures may be made under a data-use agreement with NCHS for some surveys that do not collect directly identifiable data.

Copies of IRB approval letters and other related materials, such as data-use agreements, are available upon request for each component survey of the NHCS. There are several things that you must do to assure compliance with the Privacy Rule when participating in the survey. First, the privacy notice that you generally provide to your patients must indicate that patient information may be disclosed for either research or public health purposes. Second, you may need to keep a record of the disclosure that shows that some data from the patients' medical record were disclosed to CDC for NHCS (we will provide forms to assist you in record keeping). If you do not transmit health information electronically (such as claims data), you are not subject to the Privacy Rule or the requirements described above.

For additional information on the HIPAA Privacy Rule, see:

<http://www.hhs.gov/ocr/hipaa>