

Public health authority letter from Department of Health and Human Services



Director
Office for Civil Rights
Washington, D.C. 20201

February 22, 2013

David L. Strickland, Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Strickland:

Thank you for your letter concerning the National Highway Traffic Safety Administration's (NHTSA) need to access individually identifiable health information concerning victims of motor vehicle crashes to fulfill its transportation safety mission. You indicate that your investigators often have difficulty obtaining the necessary information from hospitals, trauma centers, and other medical facilities because NHTSA has not been formally recognized by the Department of Health and Human Services (HHS) as a public health authority for purposes of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. We recognize the value of patient information in fulfilling NHTSA's public health mandate to reduce deaths and injuries resulting from motor vehicle crashes. Below, we provide guidance regarding the status of NHTSA as a public health authority for purposes of receiving protected health information under the public health provisions of the HIPAA Privacy Rule.

As you know, the HIPAA Privacy Rule expressly permits uses and disclosures of protected health information for the public health activities of a public health authority.¹ The Privacy Rule defines a "public health authority" as an agency or authority of the United States government, a State, a territory, a political subdivision of a State or territory, or Indian tribe that is responsible for public health matters as part of its official mandate, as well as a person or entity acting under a grant of authority from, or under a contract with, a public health agency.²

Previously, NHTSA published a notice in the Federal Register asserting its status as a public health authority for HIPAA Privacy Rule purposes.³ The notice and your letter explain that NHTSA's mission is to prevent and reduce deaths, injuries, and economic losses related to motor vehicle crashes and incidents. Furthermore, NHTSA has statutory authority to collect information and conduct research on all aspects of highway safety.⁴ Based on its mandate and mission, NHTSA meets the definition of a public health authority under the HIPAA Privacy Rule. As such, the Privacy Rule permits a covered entity to disclose protected health information

¹ See 45 CFR 164.512(b).

² See 45 CFR 164.501.

³ See "Public Health Authority Notification" at 68 FR 15039 (March 27, 2003).


⁴ See 23 U.S.C. § 403, and 49 U.S.C. § 301 82(a).

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to NHTSA for activities related to the control and prevention of transportation-related injury, disability, and death.

We trust this information has been helpful. Please contact my office with any additional questions or concerns.

Sincerely,



Leon Rodriguez