

**Beth Israel Deaconess Medical Center
Policy Manual**

Title: Confidentiality

Policy: PV-04

Purpose: The purpose of this policy is to set forth clear standards and guidelines for the confidential treatment of information concerning patients, employees, and staff, as well as research and business affairs. This policy applies to all Beth Israel Deaconess Medical Center Organized Health Care Arrangement employees, members of the medical and professional staff, consultants, volunteers, trainees, and members of the boards of directors.

Definitions/Terms:

Beth Israel Deaconess Medical Center Organized Health Care Arrangement (“BIDMC OHCA”): For the purposes of complying with the Privacy Rule, Beth Israel Deaconess Medical Center (“BIDMC”), Beth Israel Deaconess Hospital – Needham (“BID-Needham”), Beth Israel Deaconess Hospital – Milton (“BID-Milton”), Community Physicians Associates (“CPA”), Harvard Medical Faculty Physicians at Beth Israel Deaconess Medical Center (“HMFP”), Associated Physicians of Harvard Medical Faculty Physicians at Beth Israel Deaconess Medical Center (“APHMFP”), Medical Care of Boston Corp. aka Affiliated Physicians Group (“APG”), Beth Israel Deaconess Hospital – Plymouth (“BID-Plymouth”) and Jordan Physician Associates, Inc. (“JPA”) have defined themselves as an Organized Health Care Arrangement (“OHCA”).

BIDMC, BID-Needham, BID-Milton, CPA, HMFP, APHMFP, APG, BID-Plymouth and JPA are individual covered entities under the Privacy Rule. They comply with the definition of an OHCA by holding themselves out to the public as participating in a joint arrangement and participating together in both clinical and financial activities.

Under the Privacy Rule, OHCA status entitles the component entities of the BIDMC OHCA to jointly share all standards, policies and procedures written to comply with the Privacy Rule.

For practices and procedures specific to a particular OHCA Entity see the entity specific policy.

Confidential or Proprietary Information: Refers to information concerning patients, employees, medical staff, research, and business affairs in any form – spoken, written, or electronic – which is private and/or not commonly available to the public. Confidential or Proprietary Information includes, but is not limited to, Protected Health Information, Personal Information, financial information, research and intellectual property, products and product development, marketing and general business strategies that are not intended by BIDMC OHCA for public disclosure, as well as information marked “confidential”.

Protected Health Information (“PHI”): Information that relates to the past, present or future health of an individual, including the provision of health care to an individual and payment for the provision of health care, which identifies or reasonably could be used to identify the individual, and which is transmitted or maintained in any form or medium (electronic, paper,

etc.).

Personal Information (“PI”): A Massachusetts resident’s first name and last name or first initial and last name in combination with any one of the following data elements that relate to the resident:

1. Social Security number;
2. Driver’s license number or state-issued identification card number; or
3. Financial account number or credit or debit card number, with or without any required security code, access code, personal identification number or password that would permit access to a resident’s financial account.

Provided, however, that “personal information” does not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.

Workforce: Employees, volunteers, trainees, and other persons under the direct control of an OHCA Entity, whether or not they are paid by the OHCA Entity. For an individual to be considered a member of an OHCA Entity’s Workforce, the OHCA Entity must be responsible for, and be willing to be liable for, the actions of the individual.

Policy Statement:

Every member of the Workforce of BIDMC OHCA who has access to Confidential or Proprietary Information has an obligation to keep such information strictly confidential. It is the policy of BIDMC OHCA to comply with all Federal and Massachusetts laws, regulations, and guidelines concerning confidentiality. Any Confidential or Proprietary Information learned during the performance of one’s work must be kept confidential and should never be accessed, copied, or disclosed to anyone without proper authorization. Safeguarding Confidential or Proprietary information is a responsibility of all members of the Workforce of BIDMC OHCA.

The unauthorized possession, use, copying, reading, or disclosure of Confidential or Proprietary Information is strictly forbidden. All records containing Confidential or Proprietary Information must be maintained in a manner which ensures confidentiality. Failure to adhere to this policy may result in immediate dismissal of an employee or termination of a contractual relationship with any BIDMC OHCA Entity (refer to [PM-04 Employee Corrective Action](#)).

It is the responsibility of the Information Systems Department to maintain specific policies and procedures governing access to and security of BIDMC OHCA networks and the information contained within them. It is the responsibility of all employees and staff to be aware of those Information Systems procedures and policies that apply to them and their work (refer to [ADM-04 - Information Systems Department Data Security Policy](#)). All members of the Workforce of BIDMC OHCA are required to complete information security and privacy training upon hire, as well as annually. All members of the Workforce of BIDMC OHCA are required to sign a confidentiality statement.

For information regarding safeguarding PHI for research, please see:

[PV-05 Use and Disclosure of Protected Health Information \(PHI\) for Research](#)

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References:

[PV-01 Beth Israel Deaconess Medical Center Organized Health Care Arrangement](#)

[PV-05-Uses and Disclosures of Protected Health Information \(PHI\) for Research](#)

[ADM-04 - Information Systems Department Data Security Policy](#)

[PM-04 Employee Corrective Action](#)