



## NORTH AMERICAN ASSOCIATION OF CENTRAL CANCER REGISTRIES

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**Are reporting facilities required to permit access to confidential patient records by state cancer registry staff for the purposes of assuring the completeness and accuracy of cancer reporting?**

Reporting facilities are still required to permit access to confidential patient records by state cancer registry staff if state law permits the state cancer registry to perform these tasks.

**Are reporting facilities required to keep an accounting of disclosure for non-cancer patients when confidential patient records are viewed by central cancer registry staff in performance of their permitted tasks?**

HIPAA specifically created an exemption for keeping an accounting of disclosure when non-cancer patient health information is reviewed in performance of these tasks.

The language is complex. It describes this as “incident to a use or disclosure otherwise permitted”. It says that an “individual has a right to receive an accounting of disclosures of protected health information...except for disclosures...incident to a use or disclosure otherwise permitted or required by this subpart, as provided in § 164.502.”

As quoted below, a permitted disclosure includes the conduct of public health surveillance:

“§ 164.502 ... (1) Permitted uses and disclosures. A covered entity is permitted to use or disclose protected health information as follows... (iii) Incident to a use or disclosure otherwise permitted or required by this subpart... (i) As permitted by and in compliance with this section, § 164.512, or § 164.514(e), (f), or (g).”

“§ 164.512... Standard: uses and disclosures for public health activities. (1) Permitted disclosures. A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to: (i) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.

*This information was prepared on behalf of NAACCR members by individuals active in national, state, regional and hospital cancer registry organizations in consultation with legal counsel and with information provided by US federal officials involved in interpretation and implementation of the HIPAA Privacy Rule. This document should not be considered official government policy and is subject to change. Rev. 4/29/03*