TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 56.04, **Electronic Transmission of Personally Identifiable Information (PII) and Protected Health Information (PHI)**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSCEP OP) is to provide a framework to allow Personally Identifiable Information (PII) and Protected Health Information (PHI) to be securely transmitted over electronic communication networks such as e-mail and the internet.

REVIEW: This HSCEP OP will be reviewed on May 1 of each even-numbered year (ENY) by the Institutional Privacy Office and the Information Security Officer, with recommendations for revisions forwarded to the Chief Information Officer by June 15.

POLICY/PROCEDURE:

1. **Definitions.**
    a. **Personally Identifiable Information (PII)** is information or data about an individual that may be used to distinguish or track the individual's identity or that may be linked to the individual, including, but not limited to, the individual's name, social security number, date of birth, location of birth, mother's maiden name, biometric records, medical information, educational information, financial information, and employment information.
    b. **PHI (PHI)** is defined in HSCEP OP 52.02, as is individually identifiable health information created, maintained or transmitted by TTUHSC El Paso or any other covered entity in any form or medium, including information transmitted orally, or in written or electronic form.
    c. **TTUHSC At El Paso Exchange e-mail** is the Microsoft based e-mail system supported by Texas Tech University Health Sciences Center. The primary client software for Exchange email is Outlook and Outlook Web Access. All e-mails ending in “ttuhsc.edu” are routed through TTUHSC El Paso Exchange email services.
2. **Secure Transmission of PII/PHI through Electronic Means**

    The Health Insurance Portability and Accountability Act (HIPAA) Security Standard (45 CFR 164.312(e)(1)) requires TTUHSC El Paso to “implement security measures to guard against unauthorized access to electronic protected health information that is being transmitted over an electronic communications network”. As such, TTUHSC El Paso is required to “implement a mechanism to encrypt electronic protected health information whenever deemed appropriate1.”

    Where other secure means of transmission are available (fax, electronic shared secure files) PII/PHI shall only be transmitted or received over electronic communication networks as outlined in the procedures below.

3. E-Mail

All TTUHSC at El Paso shall provide all employees with an e-mail account. This e-mail account is the only account authorized for business use, and personal e-mail accounts are not authorized. TTUHSC at El Paso e-mail shall not be forwarded to personal email accounts.

4. **Transmission of PII/PHI through TTUHSC At El Paso Internal E-Mails.**

TTUHSC El Paso has multiple security strategies in place to protect e-mails transmitted through the TTUHSC El Paso Exchange email system from unauthorized access from outside the TTUHSC El Paso system. PII/PHI transmitted through the TTUHSC El Paso Exchange email service, where the sender and recipients' e-mail addresses (including "cc" and blind copies) all end in "ttuhsc.edu", does not need to be encrypted. If any sender or recipient's e-mail address does not end in "ttuhsc.edu", then the PII/PHI must be encrypted as outlined in paragraph 4 below. 242 U.S.C. 1320d–5(a) HSCEP OP 56.04 Page 2 of 2 June 29, 2012

5. **Transmission of PII/PHI through External E-Mails.**

Any e-mail containing PII/PHI (either within the body of the message or as an attachment) that is sent from and/or to a **non**-TTUHSC El Paso email address (i.e., IT DOES NOT END IN "ttuhsc.edu") **must** be encrypted.

a. **Manual Encryption.** TTUHSC El Paso currently has a manual encryption system in place to secure PII/PHI that is e-mailed outside the TTUHSC El Paso Outlook Webmail system. PII/PHI e-mailed outside the TTUHSC El Paso Outlook Webmail system (one or more e-mail addresses do not end in "ttuhsc.edu") **must** be manually encrypted. To manually encrypt e-mail, one of the following designations **MUST** BE TYPED INTO THE SUBJECT LINE of the e-mail to be encrypted:

- [ss]; or
  [send secure]

E-mail will not be encrypted if one of these bracketed designations is not manually typed into the subject line of the e-mail. A subject title can be added after either of these designations.

Example: [ss] Medical Records

6. **Transmission of PII/PHI through the Internet**

PII/PHI transmitted through the Internet **must** be encrypted or otherwise secure. Any Department and/or School that desires to use the internet to transmit and/or receive PII/PHI is responsible for obtaining written approval from the Privacy Officer and the Information Security Officer confirming that the information is adequately encrypted or otherwise secure.

7. Transmission of PII/PHI through internal networks.

PII/PHI transmitted through the TTUHSC El Paso internal network must be encrypted or otherwise secure. Applications and systems which cannot meet this requirement must have a risk assessment performed. The risk associated with transmitting PII/PHI without encryption must be formally accepted by the data/system owner.

8. **Education & Training**

Information and education regarding electronic transmission of PII/PHI shall be provided through the TTUHSC El Paso website, live training, and published notices. TTUHSC El Paso Information Technology Division shall have information regarding e-mailing of PII/PHI posted at: http://www.ttuhsc.edu/it/helpdesk/emailencryption.aspx

9. **Response to Non-Compliance**

The penalty for violation of this policy could result in a fine of up to $1,500,000 2. These violations shall be investigated and addressed by the Privacy Officer and/or the Information Security Officer, who may recommend additional corrective action.

10. **Right to Change Policy**

TTUHSC El Paso reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time without consent of employees.