



Access to Health Information of Individuals

Scope

This policy establishes rules for access to health information of individuals found in archival, manuscript, and image collections in the Historical Medical Library of The College of Physicians of Philadelphia (the Library). The purpose of the policy is to safeguard the health privacy of individuals, while making these holdings available for research to the greatest possible extent.

The creation of this policy was motivated by researchers' requests to use Library collections that may be subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). While the Library is not a covered entity under HIPAA and therefore not subject to its regulations, the Library nonetheless wishes to establish a policy that reflects the principles of HIPAA's Privacy Rule. This policy was amended from the National Library of Medicine's History of Medicine Division, which was motivated by the implementation in April 2003 of the Privacy Rule [45 CFR 160; 140] of HIPAA. This policy applies to collections that the staff of the Library have specifically identified as containing health information of individuals. For further clarification, please contact the Archivist of the College.

Materials also may be restricted under the Library's policy on access to personal information in its archives and manuscript holdings. In addition, access to archives and manuscripts may be further restricted by the donors of the materials. To determine whether a collection is restricted, please contact the Librarian or Archivist of the College.

1. Access to Archival Materials

Under certain conditions, the Library may authorize access to archival and manuscript materials that contain health information of individuals:

- a) Materials more than 100 years old are available to all researchers.
- b) Where the Library is able to make a copy of materials with all personal identifiers masked or deleted, the copies are available to all researchers.
- c) If a researcher obtains written authorization for access from the individual(s) of interest, or from his/her/their legal guardian(s), the records will be available to that researcher.
- d) Individuals shall have free access to their own health information if contained in Library collections.

When none of these circumstances apply, researchers may apply to the Library for access to such records, in accordance with the following general guidelines:

Access will be granted to qualified persons doing historical and other research, using statistical or quantitative methods, or methods ensuring that no individual shall be able to be identified from the results of the research.

Researchers who are granted access to restricted records shall agree in writing to maintain the confidentiality of the information and to adhere to the conditions of access imposed by the Library. In addition, all other persons associated with the research project who will have access to personally identifiable information from the records shall agree in writing to maintain confidentiality of the information.

The remainder of this document provides guidance in implementing these guidelines.

2. Conditions of Access

The Library may impose some or all of the following conditions of access on any project, while additional conditions may be imposed on the use of specific records or on specific projects, at the Library's discretion.

- 1) The records may be used only for the purpose of statistical research, the reporting of aggregate research findings, or in such a way that no individual may be identified using the results of the research. The information may not be used for any other purpose without the Library's approval.
- 2) The records and copies of any data elements which permit the identification of an individual or which can be identified with an individual may not be transferred to any person or institution not directly involved with the approved research project.
- 3) Reasonable administrative, technical, and physical safeguards, as approved by the Library, to prevent unauthorized use or disclosure of the information shall be established by the researcher and followed by all persons associated with the research project.
- 4) Collections shall be consulted only at the Library's reading room in Philadelphia, Pennsylvania, United States, and not at any other site.
- 5) During the course of the research project, any individually identifiable information in the researcher's notes or in authorized copies of the materials shall be rendered anonymous by the researcher at the earliest possible time consistent with the purpose of the research project.
- 6) Persons who are identified in the materials in the course of research may not be contacted by or on behalf of the researcher. (However, this does not preclude the researcher from contacting a person in advance of gaining access, for the purpose of obtaining access, as specified above under 1.C.)
- 7) The Library reserves the right to review publications or public presentations of the data. The Library's review shall be limited to ensuring that there is no possible identification of individuals in the research findings. The Library will not evaluate the validity of the research findings.

3. Request for Access

To obtain access to health information of individuals, researchers should submit a written request to:

Historical Medical Library
The College of Physicians of Philadelphia
19 S. 22nd Street, Philadelphia, PA 19103, United States

OR by email to library@collegeofphysicians.org

Researchers are encouraged to consult with Library staff prior to submitting the request. The request must include the following information; a form is provided in Appendix A:

- 1) Name and mailing address.
- 2) Institutional affiliation and position, if applicable.
- 3) A statement of the nature of the research to be conducted and any plans for publication or presentation of the research findings.
- 4) A listing of all sources of grant funds supporting the research project or its publication.
- 5) A statement of the administrative, technical, and physical safeguards to be employed by the researcher to prevent unauthorized use or disclosure of the records.
- 6) A listing of the collections and/or items and series titles to be used.
- 7) A statement that the researcher will abide by the conditions of access to be prescribed by the Library and that the researcher will assume responsibility for the action of all persons working with the researcher on the project. The researcher should sign the form and obtain the signatures of all other persons associated with the research project who will have access to personally identifiable information from the records.

4. Access Review

Requests for access to health information of individuals will be reviewed by Library staff, which The staff will examine the request to determine:

- 1) Whether the requested information is of such a highly sensitive personal nature that disclosure should not be permitted even for statistical or quantitative research.
- 2) Whether the methodology proposed by the requester will permit the researcher to obtain the projected research results without revealing personally identifying information.
- 3) Whether the research results will be published or presented at an academic or research conference, or a similar venue.

4) Whether the safeguards proposed by the requester will adequately protect the personal information.

5) Whether the Library has sufficient staff and space available to safeguard privacy as it accommodates the research project.

The decision of the Library staff will be made in writing to the requester within 15 workdays after receipt of a completed request. At the discretion of the staff, the researcher may meet with the staff to discuss the project and may be asked to revise it to meet the concerns of the staff.

5. Appeal Process

Any decision to deny access to requested records may be appealed to the Librarian. Appeals must be made in writing and shall be received within two weeks of notification of the denial.

6. Noncompliance with Conditions of Access

If the Library discovers that a researcher has violated the confidentiality of information or the conditions of access, the Library shall take steps to revoke the research privileges of the researcher and shall consult with legal counsel to prevent further disclosure of the health information.

The Library may also inform the following persons and organizations of the researcher's failure to follow the conditions of use:

- 1) The institution with which the researcher is affiliated, if applicable.
- 2) Organizations which provided grant funds for the project.
- 3) The sponsor of the publication or public presentation.
- 4) Appropriate professional organizations.