



# 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 Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) 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.<sup>1</sup>

**REVIEW:** This HSCEP OP will be reviewed on May 1 of each even-numbered year (ENY) by the Information Security officer or designees, and the Institutional Privacy Officer with recommendations for revisions submitted to the Chief Health information officer (CHIO) and president or designee by June 15.

### **POLICY/PROCEDURE:**

#### I. Definitions.

- A. 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 is defined in HSCEP OP 52.02, as 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 El Paso Exchange e-mail is the Microsoft based e-mail system supported by Texas Tech University Health Sciences Center (TTUHSC). 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.

#### II. Secure Transmission of PII/PHI through Electronic Means.

The Health Insurance Portability and Accountability Act (HIPAA) Security Standard requires TTUHSC El Paso to "implement security measures to guard against unauthorized access to electronic PHI that is being transmitted over an electronic communications network". As such, TTUHSC El Paso is required to "implement a mechanism to encrypt electronic PHI, whenever deemed appropriate."

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.

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<sup>1</sup> TAC 202.75

III. TTUHSC 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 El Paso e-mail shall not be forwarded to personal email accounts.

#### IV. Transmission of PII/PHI through TTUHSC El Paso Internal E-Mails.

TTUHSC El Paso has multiple security strategies in place to protect e-mails transmitted through the TTUHSC Exchange email system from unauthorized access from outside the TTUHSC system. PII/PHI transmitted through the TTUHSC 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 below. <sup>2</sup>

#### V. 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 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 Outlook Webmail system. PII/PHI e-mailed outside the TTUHSC 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

##### B. Automatic Encryption.

Under certain circumstances, emails that contain PII or PHI may be encrypted automatically if it is determined that the email content does not meet appropriate regulatory requirements. When this occurs, an email message similar to the following will be sent to the sender and the receiver will receive an encrypted email:

A recent email you sent (see information below) has been encrypted and delivered to the intended recipients by Texas Tech University Health Sciences Center. This encryption process allows the institution to stay in compliance with HIPAA 45 CFR § 164.308(a)(4), § 164.312(a), and TTUHSC OP 56.04

#### VI. 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 TTUHSC El Paso privacy officer and TTUHSC El Paso security officer confirming that the information is adequately encrypted or otherwise secure.

#### VII. 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 accepted by the data/system owner.

### VIII. Education & Training

Information and education regarding electronic transmission of PII/PHI shall be provided through

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<sup>2</sup> 45 CFR 164.312(e)(1)

the TTUHSC El Paso website, live training, and published notices.

### IX. Response to Non-Compliance

The penalty for violation of this policy could result in a fine of up to \$1,500,000. These violations shall be investigated and addressed by the TTUHSC El Paso privacy officer and/or information security officer, who may recommend additional corrective action.

### X. 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.<sup>3 4</sup>

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<sup>3</sup> 42 CFR 164.312(e)(2)(ii)

<sup>4</sup> 42 U.S.C.1320d-5(a)