



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 52.09, Confidential Information

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to identify and protect information made confidential by law or TTUHSC El Paso policy.

REVIEW: This HSCEP OP will be reviewed by May 1 of each odd-numbered year (ONY) by the Vice President (VP) of Compliance or Institutional Compliance Officer, the VP for Human Resources, the Director of Student Services, the Registrar, the Office of General Counsel, and the Associate Vice President for Information Technology and CIO, then forwarded to the Institutional Compliance Committee by July 1.

POLICY/PROCEDURE:

I. Definitions

A. **CONFIDENTIAL INFORMATION** includes, but is not limited to, the following in any form or format:

- 1) Financial information obtained in connection with the award and issuance of student loans which is protected under the Gramm-Leach-Bliley Act of 1999 (GLBA), 15 U.S.C. 6801, *et. seq.*, implemented by 16 C.F.R. Part 314, and as may be amended.
- 2) Private and personally identifiable information obtained in the regular course of business, such as social security numbers, driver's license numbers, unpublished home addresses or phone numbers, personal account numbers, computer passwords and accounts, biometric information, educational records, financial information, credit card information, and protected health information.
- 3) Protected Health Information (PHI) has the same meaning as set forth in HSCEP OP 52.02, *Privacy and Security of Health Information*, and is information protected under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, 45 C.F.R. Parts 160 *et. seq.*, Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009, 42 U.S.C. § 300li *et. seq.*; 17901 *et. seq.*, as may be amended.
- 4) Education Records has the same meaning as set forth in HSCEP OP 77.13, *Student Education Records*, and is information protected under the Family Educational Rights and Privacy Act of 1974 (FERPA) also known as the Buckley Amendment, 20 U.S.C. §1232g, as may be amended.

- 5) Medical Committee and Medical Peer Review Committee records.
 - 6) Any other information made confidential by federal or state law or TTUHSC El Paso policy including, but not limited to, research information, passwords, and access codes.
- B. **Students** refers to individuals who are or have been enrolled at TTUHSC El Paso.
- C. **Volunteers** are those individuals as defined in HSCEP OP10.28, Volunteer Policy.

II. General Policy

- A. Anyone who has access to CONFIDENTIAL INFORMATION regarding TTUHSC El Paso employees, students, patients, affiliates, or any other information made confidential by TTUHSC El Paso policies or law will take reasonable and necessary steps to maintain the confidentiality and privacy of such information.
- B. Security, access to, and use and/or disclosure of protected health information (PHI) shall be governed by HSCEP OP 52.02, Privacy and Security of Health Information.
- C. Security, access to, and use and/or disclosure of certain financial information that is covered by the Gramm-Leach-Bliley Act of 1999, shall be governed by the TTUHSC El Paso INFORMATION SECURITY PLAN FOR FINANCIAL INFORMATION **(Attachment A)**.
- D. Security, access to, and use and/or disclosure of student education records shall be governed by HSCEP OP 77.13, Student Education Records. Access to student educational records is granted on the basis of a legitimate educational interest of the employee, student or volunteer.
- 1) Legitimate Educational Interest. A "University Official" has a "Legitimate Educational Interest" if the official is:
 - (1) Performing a task that is specified in his/her position description or responsibilities designated by contract or state law;
 - (2) Performing a task related to a Student's education;
 - (3) Performing a task related to the discipline of a Student; or,
 - (4) Providing a service or benefit relating to the Student or Student's family, such as health care, counseling, job placement, or financial aid.
- E. Use of portable devices containing Confidential Information is subject to the requirements of HSCEP OP 56.01,
- F. TTUHSC El Paso shall require execution of a CONFIDENTIALITY AGREEMENT **(Attachment B)** by employees, students, and volunteers at the start of employment or affiliation with TTUHSC El Paso, and upon request thereafter.
- G. With the exception of those sections of this policy governed by other HSCEP OPs, responsibility for implementing this policy shall rest with the Assistant Vice President of Compliance or Institutional Compliance Officer for all employees; the respective Dean of each School; the Registrar.

- 1) Notice. Implementation shall include notifying employees, students and volunteers of this policy, and when appropriate, also notifying any other individuals designated by TTUHSC El Paso Information Security Plan for Financial Information, HSCEP OP 56.01- *Use of Information Technology Resources*, HSCEP OP 77.13, *Student Education Records*, and/or HSCEP OP 52.02, *Privacy and Security of Health Information*.
 - 2) Procedures. Implementation shall include developing procedures to obtain a signed CONFIDENTIALITY AGREEMENT (**Attachment B**) from all individuals in an area of responsibility, and confirming that properly signed Confidentiality Agreements become part of an individual's employment, student, or volunteer record.
- H. Written agreements between TTUHSC El Paso and other parties which involve use of and/or access to TTUHSC El Paso CONFIDENTIAL INFORMATION shall require the other parties to comply with TTUHSC El Paso policies regarding confidentiality.

III. Suggested Departmental Safeguards

Each School is responsible for establishing procedures necessary to implement this HSCEP OP. It is recommended that Schools utilize the following practice to protect CONFIDENTIAL INFORMATION:

A. Printed Copies

Use; Records containing CONFIDENTIAL INFORMATION should be secured when not in use. For example, the records may be locked in a desk drawer or filing cabinet. Departments should review documents to confirm that ONLY the last four digits of the consumer credit card account number or social security number (where feasible) is readable before scanning or exporting paper documents into an electronic document management system.

Disposal; when necessary to discard documents containing CONFIDENTIAL INFORMATION, such documents should be disposed of by shredding, or using a comparable method designed to ensure privacy.

B. Electronic Data

Persons with access to electronic data containing CONFIDENTIAL INFORMATION should take adequate steps to ensure that such information is not used by or made accessible or released to unauthorized sources. When it becomes necessary to erase files containing such information, the files should be erased completely so that the information contained in the files cannot be recovered by accessing undeleted programs.

C. Review of Departmental Processes

Department personnel should be aware of the types of information being gathered within the department, such as sign-in sheets, forms of identification, retrieval and use of records and posting of information. Department personnel or the Information Owner should determine the necessity of obtaining private or personally identifiable information and revise processes where appropriate

D. Other

The effort to safeguard CONFIDENTIAL INFORMATION should not be limited to the above three categories. Changing technologies or laws may make additional safeguards necessary, such as federal and state mandates that govern the confidentiality, integrity, and access.

IV. Reporting Violations

- A. Anyone who knows of or suspects a violation of this policy shall report that incident promptly to his/her immediate supervisor or the appropriate dean, the Registrar, and/or the Senior Director for Student Services, or in accordance with TTUHSC El Paso Information Security Plan for Financial Information, HSCEP OP 56.01, Use of Information Technology Resources, HSCEP OP 77.13, Student Education Records, and/or HSCEP OP 52.02, Privacy and Security of Health Information, as applicable.
- 1) In cases where the immediate supervisor is the known or suspected violator, employees shall report the known or suspected violation to the next higher administrative supervisor.
 - 2) Reports may also be made through the anonymous Fraud and Misconduct Line at www.ethicspoint.com or through the toll-free number, 1-866-294-9352.
- B. All information acquired in the investigation of any known or suspected violation of this policy shall be confidential unless disclosure is authorized or required by law.

V. Disciplinary Action

- A. **Employees.** Employees found to be in violation of this policy may be subject to legal action and may be disciplined in accordance with applicable policies including, but not limited to, the following:
- 1) Non-faculty employees. See HSCEP OP 70.31, Standards of Conduct, Discipline, and Separation of Employees.
 - 2) Faculty employees. See HSCEP OP 60.01, Tenure and Promotion Policy.
- B. **Students.** Policies and procedures concerning students are set forth in the Code of Professional and Academic Conduct in the TTUHSC El Paso Students Affairs Handbook.
- C. **Volunteers.** Violation of this policy will result in loss of privileges, removal from institutional facilities, and possible legal action.

- VI. **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 the consent of employees.