# Confidentiality and Protection of Privacy

Communitas
Empowering people. Enriching lives.

Date effective: 9/1/20
Revisions: 9/1/20, 9/1/10, 7/31/14, 6/17/16, 4/30/18, 1/27/2020, 4/22/24
Review date: 4/22/24
HRC Review: 12/7/22

Applies to: all

Policy number: 6.0.19
Regulatory reference: M.G.L. c. 123B, § 17
104 CMR 20.11
115 CMR 4.05
130 CMR 408.430(D)
Pub. L. 104-191 (HIPAA)

*S:\Agency Policy\6 - Program Related Policies and Procedures\6.0.19 Confidentiality and Protection of Privacy*

---

It is the policy of Communitas that all information regarding the personal facts, records or any case information regarding a person affiliated with Communitas is to be held confidential and private at all times. It is critical to assure the confidentiality of all personal facts, records and information regarding individuals and to comply with the Health Insurance Portability and Accountability Act (HIPAA) Regulations. Any breach or near breach of confidential information must be reported immediately to the program's supervisor, Division Head and CEO.

---

All case records and files are to be maintained in a secured location. The program's Director is responsible for ensuring that all files are secured. The program records of individuals must be held in the strictest confidence in accordance with regulations governing access to records and record privacy. These regulations permit the individual and his/her guardians to examine and duplicate the individual's records.

Information contained in the records of individuals is confidential and cannot be released or viewed without proper authorization.

- The individual and/or their legal representative may request to inspect or obtain a copy of the person's case record. A legal representative, upon request to inspect a record, must show proof of appointment by a court of law. Appropriate Communitas professional personnel, upon request of the individual or legal guardians may provide explanations and interpretation of material contained within, if those materials were created or generated by Communitas.
- When such authorization is approved, the Records Access Form, kept in the front of each record, must be signed by both the authorizer and the person seeking authorization to inspect the record.
- In all other instances, the Director authorizes access to an individual's case record. The scope of an employee's access is limited to that amount of information necessary to accomplish their job.
- Students, interns, and volunteers will not have access to the case record except under special circumstances as deemed appropriate by the Director and authorized by the person served.

## Release of Information

- The individual and/or the legal guardian may authorize the review or release of information contained in the case record to any person or agency not affiliated

with Communitas upon Communitas' receipt of the Release of Information Form signed by the individual and/or legal guardian as appropriate.

- All releases must indicate the person or agency representative who will review the information, the type of information requested, the date of access and the expiration of the release of information, the purpose for which the information is used and the extent of any further released information.

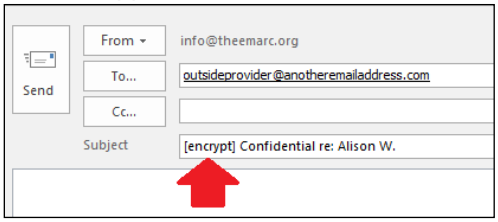
## Verbal Exchange of Information

- Individual person's status or needs are to be discussed with directly involved employees and/or other appropriate team members only, in order to perform their jobs.
- It is the responsibility of all employees to be aware of the location & time of such discussions and that all such conversations are private and out of "ear shot" of other people.

## Digital Release of Information

Employees are prohibited from electronically distributing (e-mailing) any information or files that contains personal information to any external third parties that do not currently have a business relationship with Communitas. However, if there is a business relationship in effect between an external third party and Communitas, files that are transmitted electronically via e-mail will be encrypted using an encryption solution technology that is hosted by Prosper Solutions.

Personally-identifying information (such as full name along with DOB, SSN or other unique identifying numbers issued by governmental entities) should never be combined with protected health information (PHI) when sending emails outside the Communitas email system. If the sending of PII/PHI is critical to service delivery and it must be sent via email to non- Communitas email address, the subject line of that email must contain the word encrypt inside brackets (see image below).




## Right to Receive an Accounting of Disclosures

Upon written request, a person served by Communitas and/or their legal representative may obtain an accounting of disclosures.

## Permissible Uses and Disclosures Not Requiring Consent or Authorization

Disclosure is permitted as authorized by state and federal laws; payment for services rendered, public health activities, health oversight activities, judicial and administrative proceedings in response to a legal order, law enforcement officials, health or safety emergency, and any other instances when required to do so by law.