

**MYTH:** Healthcare providers violate HIPAA if they share patient information with public health authorities without first obtaining patient consent.

**FACT:** Under HIPAA's permitted use and disclosure provisions, healthcare providers may share a patient's protected health information with public health authorities for their use in carrying out a variety of public health activities without obtaining patient consent.

Public health agencies often need to obtain, use, and share a patient's protected health information (PHI) to perform important public health functions, such as disease surveillance, outbreak investigation, program evaluation, and public health research. In many cases, public health authorities will seek a patient's health information from his or her health care provider.

Providers may at times express concern or refuse to release such information to public health authorities without first obtaining patient consent for fear of violating patient privacy protections afforded by the Health Insurance Portability and Accountability Act (HIPAA). However, HIPAA several specifically authorized uses and disclosures of PHI by health care providers (and other covered entities) that allow the sharing of information without patient consent, including disclosure to public health authorities (e.g., federal state, and local public health agencies, departments, or divisions) or other entities that are legally authorized to collect or receive such information for the purpose of preventing or controlling disease, injury or disability.<sup>1</sup> Permitted public health activities include:

- The reporting of disease, injury, and vital events such as birth or death; and
- Conducting public health surveillance, investigations, and interventions.

In addition, providers may also disclose a patient's PHI without individual authorization to other agencies and individuals for certain activities related to public health objectives, including to:

- A public health or other legally authorized government agency to report child abuse or neglect;
- A person subject to the jurisdiction of the Food and Drug Administration (FDA) concerning the quality, safety, or effectiveness of an FDA-related product or activity for which that person has responsibility (such as a medical device manufacturer);
- A person who may have been exposed to a communicable disease or may be at risk of spreading a disease or condition, when legally authorized as necessary to conduct a public health intervention or investigation;
- An individual's employer to meet the requirements of the Occupational Safety and Health Administration, Mine Safety and Health Administration, or similar state law; or
- An official of a foreign government agency that is acting in collaboration with a public health authority, provided the request for PHI is at the direction of a public health authority.<sup>2</sup>

**For More Information:**

- [Learn](#) about state and federal laws related to privacy.
- [Read](#) our overview of HIPAA and related resources.

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<sup>1</sup> 45 C.F.R. 164.512(b)(i) (2013).

<sup>2</sup> Centers for Disease Control and Prevention. April 11, 2003. HIPAA Privacy Rule and Public Health: Guidance from CDC and the U.S. Dept. of Health and Human Services. MMWR 52:1-12. <http://www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm>.