



VOLUME 13: PRIVACY	Effective Date: 2/15/12
CHAPTER 3	Revision Date: 09/2015
13.3 ENFORCEMENT, SANCTIONS, AND PENALTIES FOR VIOLATIONS OF INDIVIDUAL PRIVACY POLICY	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. POLICY

California Correctional Health Care Services (CCHCS) shall apply appropriate sanctions against members of its workforce who fail to comply with its privacy policies. CCHCS workforce members must be aware of their responsibilities under CCHCS’ privacy policies and complete CCHCS privacy training. The type of sanction for a violation of these policies shall be applied in accordance with the Department Operations Manual and shall vary accordingly depending, for example, on the severity of the violation, whether the violation was intentional or unintentional, whether the violation indicates a pattern or practice of improper access, use or disclosure of Personally Identifiable Information (PII) or Protected Health Information (PHI), and similar factors.

CCHCS workforce members must guard against improper uses or disclosures of PII and PHI. Supervisors are responsible for assuring workforce members who have access to PII and PHI are informed of their responsibilities related to PII and PHI. Workforce members who are uncertain if a use or disclosure is permitted are advised to consult with their supervisor. Program areas that are unable to resolve a disclosure question may consult with the Privacy Office staff in accordance with operational procedures.

CCHCS workforce members who violate privacy related law, policy, or procedures are subject to sanctions, penalties, and disciplinary action as provided in federal and state law, and CCHCS policy. This may include termination of employment, monetary penalties and time in prison.

II. PURPOSE

To specify enforcement, sanctions, and penalties which may result from violation of privacy laws or CCHCS policies regarding the improper use or disclosure of PII or PHI.

III. DEFINITIONS

Disclosure: The release, transfer, provision of access to, or divulging in any other manner, of information outside the entity holding the information.

Personally Identifiable Information: Any information that is maintained by CCHCS that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and/or medical or employment history. It includes statements made by, or attributed to, the individual. PII may include information that is not necessarily PHI and may pertain to CCHCS employees, members of the public, or other individuals who may or may not be patients.

CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES

Protected Health Information: Information created or received by CCHCS which identifies or can be used to identify an individual as it relates to past, present, or future health conditions; health care services provided to the individual; or health care related payments. This applies to information that is transmitted or maintained in verbal, paper, or electronic form.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for CCHCS or a business associate, is under the direct control of CCHCS or a business associate, whether or not they are paid by CCHCS or the business associate.

IV. RESPONSIBILITY

Oversight responsibility of the Privacy Office shall be vested in the Privacy Officer. The Privacy Officer is required to oversee privacy rights as required by laws, policies, and standards for respecting the rights of individuals with regard to the collection, use, and disclosure of personal information throughout CCHCS.

V. TRAINING REQUIREMENTS AND CONTACT INFORMATION

- A. Privacy training is required for new employees during New Employee Orientation and annually thereafter.
- B. For questions or clarification, please contact: Privacy@cdcr.ca.gov or 1-877-974-4722.

VI. REFERENCES

- United States Code, Title 42, Chapter 7, Subchapter XI, Part C, Section 1320d-5 - General penalty for failure to comply with requirements and standards
- Code of Federal Regulations, Title 45, Subtitle A, Subchapter C, Part 164, Subpart E, Section 164.530 - Administrative requirements
- California Civil Code, Division 1, Part 2.6, Chapter 7, Section 56.36
- California Civil Code, Division 3, Part 4, Title 1.8, Chapter 1, Article 10, 1798.55 et seq.