



<b>VOLUME 13: PRIVACY</b>	Effective Date: 09/2015
<b>CHAPTER 10</b>	Revision Date:
<b>13.10 GENERAL USE AND DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION POLICY</b>	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**I. POLICY**

Personally Identifiable Information (PII) maintained by California Correctional Health Care Services (CCHCS) is private and confidential. PII shall only be obtained through lawful means. CCHCS shall use the minimum necessary PII to conduct business in compliance with state and federal law. CCHCS workforce members may not use or disclose PII, except as permitted or required by this chapter or as otherwise permitted or required by law.

The purposes for which PII is collected shall be specified at or prior to the time of collection. Information owners and staff shall not disclose, use, or make available personal information collected from individuals for purposes other than those for which it is originally collected.

CCHCS shall post the general means by which PII is protected against loss, unauthorized access, use, modification, or disclosure, unless that disclosure of general means compromises legitimate state department or state agency objectives or law enforcement purposes.

**II. PURPOSE**

To ensure CCHCS compliance with state and federal privacy requirements for state entities that maintain PII.

**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 Protected Health Information and may pertain to CCHCS employees, members of the public, or other individuals who may or may not be patients.

**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.

**Use:** The sharing, employment, application, utilization, examination, or analysis of information that identifies, or reasonably can be used to identify, an individual within CCHCS.

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**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. GENERAL USE AND DISCLOSURE OF PII

### A. General Disclosure of PII

1. CCHCS workforce members may only disclose PII in a manner that would not link the information disclosed to the individual to whom it pertains unless the information is disclosed as follows:
  - a. To the individual to whom the information pertains.
  - b. With the prior written voluntary consent of the individual to whom the record pertains, when consent has been obtained within 30 days before the disclosure, or in the time limit agreed to by the individual in the written consent.
  - c. To the duly appointed guardian or conservator of the individual or a person representing the individual.
  - d. To a governmental entity when required by state or federal law.
  - e. As permitted or required by law.
  - f. To a person who has provided the agency with advance, adequate written assurance that the information shall be used solely for statistical research or reporting purposes, and only if the information to be disclosed is in a form that shall not identify any individual.
  - g. To any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, CCHCS reasonably attempts to notify the individual to whom the record pertains, and if the notification is not prohibited by law.
2. CCHCS and its workforce shall limit PII use and disclosure to the minimum necessary amount of information required to complete the desired task.

### B. Information Collection and Minimum Necessary Use of PII

Information owners shall collect the least amount of PII required to fulfill the purposes for which it is collected. Information owners shall obtain personal information only through lawful and transparent means and to the greatest extent practicable directly from the individual who is the subject of the information.

### C. Media Inquiries

Institutions shall forward all media inquiries regarding the release of PII to the CCHCS Office of Communications. CCHCS shall provide responses for PII inquiries from external entities (e.g., legislative, advocacy groups) in accordance with Inmate Medical Services Policies and Procedures, Volume 1, Chapter 12.2, Consolidated Controlled Correspondence and Patient-Inmate Health Care Inquiry Line Response Policy.

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## VI. 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](mailto:Privacy@cdcr.ca.gov) or 1-877-974-4722.

## VII. REFERENCES

- California Government Code, Title 2, Division 3, Part 1, Chapter 1, Article 1, Section 11019.9
- California Civil Code, Division 3, Part 4, Section 1798 et seq.
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 1, Chapter 12.2 Consolidated Controlled Correspondence and Patient-Inmate Health Care Inquiry Line Response Policy
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 13, Chapter 3, Enforcement, Sanctions, and Penalties for Violations of Individual Privacy Policy
- State Administrative Manual 5320.2, Security and Privacy Training