

HIPAA and Civic Engagement at Health Centers

This fact sheet is provided for guidance only. It is not a legal opinion.

What is HIPAA?

HIPAA is the federal Health Insurance Portability and Accountability Act of 1996. The primary goal of the law is to make it easier for people to keep health insurance and protect the confidentiality and security of healthcare information. For health centers, protecting patient health information is also a legal requirement under the Health Insurance Portability and Accountability Act (HIPAA).

What does the Privacy Rule protect?

The HIPAA Privacy Rule protects the confidentiality of identifiable health information, including personal and demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or could be reasonably used to identify the individual and their personal information.

What are the HIPAA issues when doing voter registration?

Voter registration cards and information are not subject to HIPAA regulations. A center's ability to capture or copy the data is a matter of local election law.

How does HIPAA affect collecting advocacy or pledge to vote cards?

Voter and civic engagement is a voluntary, opt-in activity. Patients voluntarily provide contact information for this purpose. It is ok for health centers to ask patients to fill out a pledge to vote or advocacy card and to track the data for follow up and program evaluation. It's a good policy to restrict what staff have access to the list. Please see "answer 2b" below regarding sharing of the list with a civic engagement partner.

How do we avoid violating the HIPAA privacy rule?

1. HIPAA prohibits the use of your EHR or other patient database for activity related to your civic engagement program. Do not use patient data from the patient's record to fill out voter registration forms or for any other purpose. Only use information you got from the patient for this purpose or have them complete the card.
2. Do not include anything in your database that would conclusively identify the individual as a patient. This means you should
 - A. Target civic engagement to a broader population. Make sure your civic engagement efforts and database include others who are not patients - family members, staff, community members and the like.
 - B. Share your data with others, ONLY, if your list is a broader civic engagement list including both non-patients and patients and the data you share does not contain your center's name.

Remember to follow voter registration procedures of your state and conduct any election activities on a nonpartisan basis as a 501(c)(3) organization. *For more information and guidance, please contact info@nonprofitvote.org*