

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

Security: Electronic Mail

A. POLICY

Rev. 06/01/2009

1. **E-mail may be used** to transmit Protected Health Information (PHI) under specific conditions and for limited purposes.
2. **The Minimum Necessary Rule** applies to all e-mail that includes PHI.
3. **Scope:** This policy applies to all use of electronic mail systems within the University of Florida where the correspondence contains PHI and either originated from or is forwarded into a University of Florida computer or network. It applies to all e-mail users including, but not limited to, faculty, staff, students, and volunteers.

B. CONDITIONS : All applicable conditions for using PHI in e-mails must be met

1. **Patients and Research Participants:** PHI may be included in e-mails between clinicians and patients or between researchers and subjects only if the patient/subject has signed an appropriate authorization. (See Forms: Authorization for Correspondence via Electronic Media)
 - a) *When replying to e-mail containing PHI from senders outside the ufl.edu system the response may not contain PHI.*
 - b) *Clinically relevant e-mail messages must be printed in full, including any responses, and included in the patient's health record.*
2. **Staff-to-Staff:** PHI may be included in e-mails between and among clinicians and support staff only for the following purposes:
 - a) *Requesting Consultations*
 - b) *Making Referrals*
 - c) *Prescription Refills*
 - d) *Billing Inquiries*
3. **Internal e-mails** containing PHI may only be sent from one ufl.edu address to another ufl.edu address. The sender of any e-mail containing PHI is responsible for ensuring that the recipient's address is within the ufl.edu e-mail system.
 - a) *E-mail containing PHI may not be (auto-) forwarded to any non-ufl.edu account, including but not limited to, personal and commercial e-mail accounts such as AOL, Yahoo, MSN, etc.*
 - b) *No distribution list may be used for e-mail that contains PHI.*
 - c) *Access to ufl.edu e-mail accounts through the Internet must be by secure (SSL) connections.*
4. **Research:** PHI may be included in e-mails between and among researchers, staff, and authorized third parties only as an encrypted attachment file. Authorized external e-mail communications containing PHI (i.e., sent outside the ufl.edu domain) must be protected by encryption.

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C. DEFINITIONS

E-mail: A means or system for transmitting written messages electronically (as between terminals linked by telephone lines, cable networks, or other relays).

D. PRIVACY REQUIREMENTS

1. **Patients** have the right to request communication by alternative means, however, the University of Florida is not obligated to agree to the request.
2. **Protected health information** must be safeguarded against unauthorized use or disclosure at all times.

E. PROCEDURES

1. **Address all of the following issues** with patients or personal representatives who want to communicate by e-mail, before they sign an Authorization. Provide a copy of the Alert for E-Mail Correspondence tip-sheet to the patient.
 - a) *E-mail at the University of Florida can be forwarded, intercepted, printed and stored by others.*
 - b) *E-mail communication is a convenience and not appropriate for emergencies or time-sensitive issues.*
 - c) *Highly sensitive or personal information should not be communicated by e-mail (i.e., HIV status, mental illness, chemical dependency, and workers compensation issues.)*
 - d) *Employers generally have the right to access any e-mail received or sent by a person at work.*
 - e) *Staff other than the health care provider may read and process e-mail.*
 - f) *Clinically relevant messages and responses will be documented in the health record.*
 - g) *Communication guidelines must be defined between the clinician and the patient, including,*
 - (1) How often e-mail will be checked,
 - (2) Instructions for when and how to escalate to phone calls and office visits, and
 - (3) Types of transactions that are appropriate for e-mail.
 - h) *E-mail message content must include:*
 - (1) The subject of the message in the subject line, i.e., prescription refill, appointment request, etc., and
 - (2) Clear patient identification including name, telephone number and record identification number in the body of the message.
 - i) *The University of Florida will not be liable for information lost or misdirected due to technical errors or failures.*

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INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

2. **Retain** the completed Authorization either in the patient's health record or in a separate file maintained by the clinician. Give a completed copy to the patient, if necessary.
3. **Include** the following confidentiality **disclaimer** statement in all e-mails that are sent from the University of Florida:
 - a) *NOTE: This communication may contain information that is legally protected from unauthorized disclosure. If you are not the intended recipient, please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, you should notify the sender immediately by telephone or by return email and delete this message from your computer.*

4. Encryption may be accomplished in either of the following ways:

- a) *The connection(s) between the sender and the receiver is encrypted (i.e through SSL, TLS or VPN), or*
- b) *The PHI is placed in a file, the file is encrypted and the pass phrase used to decrypt the file is a strong pass phrase and is communicated to the recipient in a secure fashion. DO NOT include the pass phrase in the email with the file.*

F. REFERENCES

HIPAA: 45 CFR §164.522 (Right to Request Privacy Protections)

G. EXHIBITS

Alert for Electronic Communications (after next section)