



University Community (faculty, staff, students)

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
HIPAA PRIVACY: USING AND DISCLOSING PROTECTED HEALTH INFORMATION FOR FUNDRAISING PURPOSES	December 31, 2017	1640.035

POLICY STATEMENT (R*)

Florida International University health care components shall be permitted to use or disclose certain limited information consisting of demographic information and dates of service for fundraising purposes of the health component only in narrow circumstances described below.

1. The fact that disclosures for fundraising purposes are permitted must be specifically set forth in the health care component’s Notice of Privacy Practices.
2. The use or disclosure can only consist of demographic information and dates of service.
3. The disclosure can only be to the health care component, a business associate of the health care component, or an institutionally related foundation for the purpose of fundraising for the benefit of the health care component only.
4. All fundraising materials must include information about how the recipient of the information may opt out of future fundraising communications. If the individual opts out, reasonable steps must be taken to ensure that the individual is not sent further fundraising communications.

Use or disclosure of PHI for any other fundraising activity requires written authorization by the individual.

REASON FOR POLICY (O*)

To ensure that disclosure of Protected Health Information for fundraising purposes is done only to the extent permitted under the HIPAA Privacy Rule and other applicable laws.

RELATED INFORMATION (O*)

HIPAA Privacy Rule, 45 C.F.R. § 164.514 (f).

DEFINITIONS (R*)

“Business associate” means, with respect to a covered entity, a person or entity who:

- Assists (other than as a member of the covered entity’s workforce) in the performance of :
 1. A function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or
 2. Any other function or activity regulated under the HIPAA regulations; or
 3. Provides, other than as a member of the Covered Entity’s workforce, the following types of services: legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for such covered entity, where the provision of such services involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

“Health care component” means a component or combination of components of a hybrid entity that has been specifically designated by the covered entity because it either performs covered functions; or activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

“Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:

- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

- Relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and
 1. That identifies the individual; or
 2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
 1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”);
 2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
 3. Employment records held by a covered entity in its role as an employer.

HISTORY (R*)

Initial Effective Date: September 1, 2009; December 31, 2017

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Academic Affairs
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

University Compliance and
Privacy Officer
University Compliance Office, PC 429
11200 S.W. 8th Street
Miami, FL 33199
Telephone Number: (305) 348-2216

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***R = Required *O = Optional**