

Policy Name: Confidentiality	
Policy Owner: Chief People Officer	Effective Date: 03/26/2021
Approved By: System Performance Committee	Last Reviewed Date: 03/26/2021
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1.0 Scope:

1.1 Applicable Entities:

This policy applies to:

- Texas Health Resources (Texas Health) and its member entities
- Texas Health Recovery & Wellness Center
- Texas Health Behavioral Health Virtual Visit
- Excludes the Texas Health joint venture entities (except those listed in the Formulation and Adoption of System-Wide Policies and Procedures in Section 4.1.6 or in Section 4.1.7)

1.2 Applicable Departments:

This policy applies to all Texas Health departments.

2.0 Purpose:

- 2.1 At Texas Health, confidentiality is paramount and we believe strongly in protecting all Confidential Information, including but not limited to, personal identity information, protected medical and health records, financial information, legally privileged peer review, hospital committee information, and similar internal business affairs of Texas Health not available to the general public.
- 2.2 This policy also provides guidelines regarding the organization's stance on prior approval of publications, presentations, books, educational studies/research articles, and declarations on behalf of Texas Health.

3.0 Policy Statement(s):

- 3.1 Texas Health believes in respecting the confidentiality of all persons and that part of living out Our PromiseSM is maintaining the privacy of our patients, our people, and our organization. As such, it is the policy of Texas Health that Confidential Information (as defined in section 5.2) is not to be accessed, used, or disclosed except where it is necessary to do so in the course of business.

4.0 Policy Guidance:

4.1 Confidential Information

- 4.1.1 As indicated above, our employees, patients, enterprise, and communities are trusting us to safeguard highly Confidential Information.

As such, unauthorized access, use, or disclosure of Confidential Information is prohibited.

- 4.1.2 This policy applies whether the Confidential Information is verbal, written, electronic, or in any other format.
- 4.1.3 Employees, volunteers, and students authorized to access Confidential Information may access that information only in the course of performing their assigned duties, and in some cases will be required to sign a Confidentiality Agreement.
- 4.1.4 Maintaining confidentiality is not only in compliance with Texas Health's policies and legal requirements, but it is also the right thing to do. With this in mind, disclosure of individual logon information is strictly prohibited. Individuals who have a reason to believe that their logon information has been compromised should contact their leader, Human Resources and IT for immediate assistance.
- 4.2 Nothing contained in this policy shall be construed to restrict employees' rights to discuss the terms and conditions of their employment, working conditions, wages, and other protected activity as provided under applicable law.
- 4.3 Managing Access, Disclosure, or Requests for Confidential Information
 - 4.3.1 Part of having a culture of excellence is one in which we hold ourselves and others accountable. As such, Care Team members are responsible for safeguarding and protecting Confidential Information. The access, use, disclosure of or request for Confidential Information will be viewed through the lens of Texas Health policies, Medical Staff Bylaws and Rules and Regulations or as otherwise restricted or required by law. (For additional information, please see Texas Health's Health Information Uses and Disclosures Policy and Group Health Plan (GHP) Uses and Disclosures of Health Information Policy).
 - 4.3.2 Employees, volunteers, and students are prohibited from attempting to view or obtain Confidential Information from Texas Health's private or confidential records for which they have not received access authorization or does not have a "need to know" in the course of performing assigned responsibilities.
- 4.4 Inquiries Related to Confidential Information
 - 4.4.1 Inquiries regarding patient and GHP benefits and participant information should be processed according to Texas Health's Health Information Uses and Disclosures Policy and the GHP Uses and Disclosures of Health Information Policy.

- 4.4.2 All requests regarding peer review or hospital committee information should be referred to the applicable entity department or committee leader as appropriate to the circumstances such as Quality Management, Medical Staff Office, Human Resources, Nurse Peer Review Committee leader, or Risk Management.
- 4.4.3 All inquiries to Texas Health pertaining to its operations or internal business affairs (such as information regarding the development of systems, processes, policies, know-how, and technology, as well as internal reports, procedures, or other internal business-related confidential communications) should be referred to the employee's leader for review and coordination with appropriate members of Administration regarding the response to the inquiry prior to releasing any information. (For additional information, please see Texas Health's Public Media Policy).
- 4.5 Participation in the Writing of Books, Publications, Presentations, Research Articles or Any Other Materials
- 4.5.1 Texas Health values our employee's skills and talents and supports their efforts for continuing education and innovation. In this spirit, as well as our commitment to organizational excellence, all employees (inclusive of leaders), who in the course of the work they do for Texas Health, author or participate in the writing of books, publications, presentations, research articles or any other materials that will be publicly available, regardless of the content, must have it reviewed and approved by the Texas Health Stakeholder Engagement Department in partnership with Texas Health's legal Department in advance of publication. For assistance, please contact the Director of Media Relations/Issue Management at 682-236-6390.
- 4.6 Guidelines for Contractors, Their Employees and Agents
- 4.6.1 Contractors of Texas Health and its wholly owned and controlled entities will be governed by the provisions of the Contractors' service agreements.
- 4.6.2 Each service agreement, as applicable, will include a provision requiring the Contract organization to instruct its employees and agents regarding access to, use, and disclosure of Texas Health's Confidential Information and will be required to demonstrate proof as such upon request by Texas Health.
- 4.7 Texas Health is committed to maintaining a culture of safety, compliance, and excellence. In light of this commitment, employees who violate this policy may be subject to corrective action, up to and including involuntary separation.

- 4.8 Employees who have questions or concerns about this policy, or a potential breach in confidentiality, should promptly notify their leader, a representative of Human Resources, or the Texas Health System Compliance Office at 1-800-381-4728.

5.0 Definitions:

- 5.1 Care Team - All Texas Health employees, physicians, volunteers and individuals who have a common goal of serving and taking care of our patients and consumers.
- 5.2 Confidential Information - Information including patient information, protected information of participants in Texas Health benefit plans and programs, customer information, physician credentialing, peer review, quality review, business intelligence, privileged committee records, logon and password information, employee health records, protected health information, social security numbers and other unique personal identification numbers or data, financial account information, or credit card information.

Confidential Information also includes trade secrets and other similar confidential business information related to internal business affairs and operations of Texas Health (such as information regarding the development of systems, processes, policies, know-how, and technology, as well as internal reports, procedures, or other internal business-related confidential communications) that is not generally available to the public. Any information which has potential to jeopardize Texas Health's marketplace competitiveness is considered Confidential Information.

Furthermore, employees, volunteers, and students may use or disclose information learned or acquired through their association with Texas Health only for the performance of their job, volunteer position, student affiliation agreement, or as otherwise permitted by law.

This definition does not restrict employees from discussing their wages and terms and conditions of employment as permitted by law.

- 5.3 Contractor - Any non-employee or entity, including its employees or agents, that provides services to Texas Health or any of its wholly owned or controlled entities and whose employees or agents may encounter Confidential Information while providing services under the Contractor's agreement with Texas Health.
- 5.4 Group Health Plan (GHP) - Texas Health-sponsored group health plan providing for medical, dental, vision or health care spending reimbursement. Certain functions of the GHP may be delegated to Third Party Administrators.

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6.0 Responsible Parties:

6.1 Care Team

6.1.1 All Care Team members are to remain in compliance with this policy.

6.2 Entity Human Resources Officer

6.2.1 Implementation and oversight of the policy is the responsibility of the Entity Human Resources Officer.

6.3 Texas Health Stakeholder Engagement

6.3.1 Review and approve materials submitted by employees (inclusive of leaders) who (in the course of the work they do for Texas Health), author or participate in the writing of books, publications, research articles, presentations or any other materials, regardless of the content, that will be publicly available prior to publication.

7.0 External References:

Not Applicable

8.0 Related Documentation and/or Attachments:

8.1 Confidentiality Agreement

8.2 [Employee Records - THR System Policy](#)

8.3 [Group Health Plan Uses and Disclosures of Health Information - THR System Policy](#)

8.4 [Health Information Uses and Disclosures - THR System Policy](#)

8.5 [Minimum Necessary Use and Disclosure of Health Information - THR System Policy](#)

8.6 [Password Management - THR System Policy](#)

8.7 [Performance Management \(formerly Progressive Corrective Action\) - THR System Policy](#)

8.8 [Role-Based Access to Health Information - THR System Policy](#)

8.9 [Social Media - THR System Policy](#)

8.10 The Texas Health Code of Business Ethics - Confidential Information

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9.0 Required Statements:

Not Applicable