

<b>Policy Name:</b> Confidentiality	
<b>Policy Owner:</b> SVP and Chief People Officer	<b>Effective Date:</b> 08/04/2015
<b>Approved By:</b> System Leadership Council	<b>Last Reviewed Date:</b> 08/04/2015
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**1.0 Scope:**

1.1 Applicable Entities:

This policy applies to Texas Health Resources and its member entities and excludes the Texas Health joint venture entities.

1.2 Applicable Departments:

This policy applies to all Texas Health departments.

**2.0 Purpose:**

2.1 To provide for the protection of Confidential Information including 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 To provide for prior approval of publications, books, educational studies/research articles, and declarations on behalf of Texas Health.

**3.0 Policy Statement(s):**

3.1 It is the policy of Texas Health that Confidential Information (as defined in section 5.1) is not to be disclosed except where it is necessary to do so in the course of business. Confidential Information includes 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.

3.2 It is the policy of Texas Health that employees who (in the course of the work they do for Texas Health), author and participate in the writing of books, educational studies/research articles, and any other materials that will be publicly available must have the content reviewed approved by Texas Health prior to publication. Leaders who participate in any of the above regardless of content, must have the content reviewed and approved by Texas Health.

**4.0 Policy Guidance:**

4.1 Confidential Information

4.1.1 Unauthorized use or disclosure of Confidential Information is prohibited.

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- 4.1.2 Workforce members authorized to access Confidential Information may access that information only in the course of performing their assigned jobs, and in some cases will be required to sign a Confidentiality Agreement.

For example, during workplace investigations, reasonable confidentiality may be required as needed to protect witnesses, avoid destruction of evidence, prevent a cover up, or to prevent information from being fabricated. Human Resources should be involved as appropriate in all investigations.

- 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, and other protected activity as provided under applicable law.

- 4.3 Managing access, disclosure or requests for Confidential Information

- 4.3.1 The access, use, disclosure of or request for Confidential Information will be made according to applicable Texas Health policies, Medical Staff Bylaws and Rules and Regulations or as otherwise restricted or required by law. (See Health Information Uses and Disclosures Policy and Group Health Plan Uses and Disclosures of Health Information Policy).

- 4.3.2 Confidential Information may only be accessed, used, or disclosed based upon a "need to know" basis – as needed for a treatment relationship, patient care function, peer review, quality review, hospital committee or legitimate business purpose.

For example, Payroll Specialists, Employee Health, and Human Resources are entrusted with sensitive workforce members' information including social security numbers, financial account information, and medical and health records. In the course of performing their job, these individuals have a responsibility for safeguarding, protecting such information and only sharing with others for legitimate business purposes.

- 4.3.3 Workforce members are prohibited from attempting to view or obtain Confidential Information from Texas Health's private or confidential records for which the Workforce member has 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 Group Health Plan benefits and participant information should be processed according to the Health Information

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Uses and Disclosures Policy and the Group Health Plan Uses and Disclosures of Health Information Policy.

- 4.4.2 All inquiries regarding peer review or hospital committee information should be referred to the entity department or committee leader as appropriate to the circumstances such as Quality Management, Medical Staff Office, 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 Workforce member's manager for review and coordination with appropriate members of administration regarding the response to the inquiry. (See Public Media Policy).
- 4.5 Participation in the writing of books, publications, research articles or any other materials
  - 4.5.1 Employees who (in the course of the work they do for Texas Health), author or participate in the writing of books, publications, research articles or any other materials that will be publicly available, should have the content reviewed and approved by the Texas Health Communications & Image Department in advance of publication.
  - 4.5.2 All managers, directors, and officers of Texas Health who participate in the writing of books, publications, research articles or any other materials, regardless of content, must have the content reviewed and approved by Texas Health Communications & Image Department prior to publication.
  - 4.5.3 Texas Health Communications & Image will coordinate such review with Texas Health's Legal Services, as needed depending on the facts and circumstances.
- 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 appropriate service agreement will include a provision requiring the Contractor to instruct its employees and agents regarding access to and use and disclosure of Texas Health's Confidential Information and will be required to demonstrate proof upon request by Texas Health.

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- 4.7 Workforce members who violate this policy may be subject to corrective action, including involuntary separation.
- 4.8 Workforce members who have concerns or questions about this policy should promptly notify his or her supervisor, a representative of Human Resources, or the Texas Health System Compliance Office at 1-800-381-4728.

## **5.0 Definitions:**

- 5.1 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, 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 may use or disclose information learned or acquired through his or her association with Texas Health only for the performance of his or her job 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.

- 5.2 Contractor - Any non-Workforce person 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.
- 5.3 Group Health Plan – Texas Health-sponsored group health plan (GHP) providing for medical, dental, vision or health care spending reimbursement. Certain functions of the GHP may be delegated to Third Party Administrators.
- 5.4 Workforce - Employees, volunteers, and other persons whose conduct, in the performance of work for an entity, is under the direct control of such entity, whether or not they are paid by the entity.

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**6.0 Responsible Parties:****6.1 Entity Human Resources Officer**

6.1.1 Implementation and oversight of the policy is the responsibility of the entity Human Resources Officer.

**6.2 Texas Health Communications & Image**

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

6.2.2 Review and approve materials of managers, directors, and Officers of Texas Health who participate in the writing of books, publications, research articles or any other materials, regardless of content, 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 [Health Information Uses and Disclosures - THR System Policy](#)

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

8.5 [Progressive Corrective Action - THR System Policy](#)

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

8.7 [Role-based Access to Health Information - THR System Policy](#)

8.8 The Texas Health Code of Business Ethics – Confidential Information

**9.0 Required Statements:**

Not Applicable