



WASHINGTON STATE
Department of
Children, Youth, and Families

Chapter 13: Records, Litigation and Privacy

13.01 Use and Destruction of Health Care Information

Laws & Regulations: [Chapter 70.02 RCW](#) – Health Care Information Act
[Chapter 40.14 RCW](#) – Preservation and Destruction of
Public Records
[Chapter 434-12A WAC](#) – Public Records and Rules of
Procedure

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Approved by:

Purpose

Instruct employees of the Department of Children, Youth, and Families (DCYF) on how to respond if health care information is improperly disclosed or received.

Scope

This policy applies to DCYF employees.

Policy

- A. DCYF will follow [RCW 70.02.290](#).
- B. All state or local agencies obtaining Health Care Information pursuant to [RCW 70.02.050](#) and [RCW 70.02.200](#) through [70.02.240](#) that are not Health Care Facilities or Health Care Providers are to adopt a policy to establish a reasonable notification period and to define what information must be included in the notification if Health Care Information is wrongfully disclosed as defined by [RCW 70.02.290](#).
- C. The policy must be posted to the DCYF web site.

Procedures

- A. Treatment of Health Care Information
If an employee or program of DCYF receives unauthorized Health Care Information, or if the Health Care Information was not intended for the recipient, the employee must follow these procedures:

1. Not use or disclose this information unless permitted under [Chapter 70.02 RCW](#); and
2. Notify the DCYF Privacy Officer within one business day of learning health care information was improperly received or disclosed.
3. Destroy the information in accordance with Disposition Authority Number (DAN) GS 50004 ([see state retention schedule](#)) or return the information to the entity that provided the information if the entity is a Health Care Facility or Health Care Provider and subject to the Health Care Information Act.

B. Notification

1. The DCYF Privacy Officer will notify individuals for whom Health Care Information has been improperly disclosed within 45 days of discovery.
2. Notification must include the following information:
 - a. A brief description of what happened, including the date of the disclosure and the date of the discovery of the disclosure.
 - b. The name of the entity that originally provided the information to the Department must be included.
 - c. A description of the types of Health Care Information that were involved in the disclosure (such as full name, social security number, date-of-birth, home address, account number, email address, diagnosis, disability code, or other types of information, including demographics).
 - d. Any steps, if any, the individuals should take to protect themselves from potential harm resulting from the disclosure.
 - e. A brief description of what is being done to investigate the disclosure, to mitigate harm to individuals, and to protect against any further disclosures; and
 - f. Contact procedures for individuals to ask questions or learn additional information, which may include a toll-free telephone number, email address, web site, or postal address.

C. Posting to the DCYF website

1. The Privacy Officer will coordinate the posting of this policy to the DCYF website.

Definitions

Health Care Information: means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid (DNA) and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

Health Care Facility: means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

Health Care Provider: means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or

practice of a profession.

Reference and Resources

DCFY Administrative Policy for Privacy