



PRIVACY AND RECORDS MANAGEMENT

Respecting Veterans Privacy



Office of Information Security
Privacy and Records Management
Privacy Service



The Department of Veterans Affairs (VA) understands and appreciates the trust you, America's Veterans, place in our ability to provide quality healthcare and benefits. We realize your trust is based on our capacity to protect your personally identifiable information (PII). VA is continuously developing ways to safeguard Veterans' information by creating a culture of accountability among its employees, contractors, business associates, and volunteers.

The VA Privacy Service oversees and supports all efforts within VA to protect the privacy of Veterans', beneficiaries', and VA employees' PII. The VA Privacy Service develops and implements VA-wide programs, products, and policies that are implemented locally by Privacy Officers across the country. This approach ensures all privacy laws and regulations are applied consistently throughout the Department.

Laws to Keep Your Information Private

There are numerous Federal laws and regulations that address the collection, use, and disclosure of PII; the two most important are the Privacy Act of 1974 and the Health Insurance Portability and Accountability Act (HIPAA). You should understand the rights you have under these two laws.

Privacy Act of 1974 outlines how the Federal Government, including VA, collects, maintains, uses, and discloses personally identifiable information (PII) that can be retrieved by a personal identifier such as your name, SSN, medical record number, or other unique identifier. The Act protects all of your information maintained in agency systems of records — not just health information — and covers all written and verbal communication of such information.

How VA Employees Comply with Privacy Requirements

- **Awareness.** Even if a VA employee does not handle claims folders or patient medical records or work in a VA hospital, he or she may have direct or casual access to your PII. Therefore, all employees and contractors must sign rules of behavior annually to ensure they understand their legal responsibilities to protect the confidentiality of Veterans' and their beneficiaries' PII in all forms — electronic, paper, and verbal.
- **Training.** VA requires annual mandatory privacy awareness and information security training for all employees and contractors. Specialized privacy training is also available for Privacy Officers, Information Technology specialists, supervisors, and healthcare professionals.

Our employees know they must exercise care not to disclose information inadvertently, and that discussing protected information in public or private with employees, family, friends, or others who do not have a need to know the information is a violation of federal law.

If a VA employee or contractor violates privacy requirements, he or she could face disciplinary action as well as criminal and monetary penalties for each violation. Penalties may also apply to his or her supervisor and to VA as a whole.

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HIPAA expands existing privacy protections and standardizes them for public and private healthcare providers, including the Veterans Health Administration (VHA).

Your Rights to Privacy at VA

Under both laws, you are allowed to:

- Access, review, and obtain copies of records that the Federal Government maintains about you, including medical records;
- Request an amendment to records that are incorrect; and
- Obtain an accounting or list of disclosures of information about you.

In addition, the Privacy Act:

- Creates a code of "fair information practices" that mandates how the Federal Government, including VA, maintains information about you; and
- Restricts disclosure of PII that is maintained by the Federal Government, including VA. (Information can only be disclosed under certain situations permitted by law. Otherwise, information cannot be disclosed without your prior written authorization.)

In addition, HIPAA requires that VHA provide the following:

- A copy of VA's Notice of Privacy Practices (you can obtain a copy of this notice from your local VHA health care facility, or download the notice at http://www1.va.gov/vhapublications/viewpublication.asp?pub_id=1089;

- The right to request that VA not use or disclose your protected health information (PHI); and
- Restricts the use and disclosure of your PHI that is maintained by healthcare providers, including VHA.

In general, VHA must have written authorization to use and disclose PHI. However, authorization is not required in certain circumstances:

- Treatment,
- Payment,
- Healthcare operations,
- Eligibility and enrollment for VA benefits,
- Dealing with family members or others involved with your care (with limitations); and
- Other uses as allowed by law (please review the VA Notice of Privacy Practices for the complete list).

Furthermore, HIPAA requires VHA to have written privacy procedures, designated Privacy Officers for each facility, and privacy training for all employees and contractors.

Reporting Privacy Issues

If you have a VA privacy concern or question, or if you believe that your privacy rights have been violated, contact the Privacy Officer at your nearest VA facility, or talk to your Patient Advocate or Veteran Service Organization representative.



Connect with Us

For more information, visit
<http://www.privacy.va.gov>