Overview

Within the past few years, there have been dramatic increases in identify theft and the misuse of personal information. The public is getting more concerned about how information is collected, used, and maintained. We at the Department of Veterans Affairs understand and appreciate the trust veterans place in us to provide them with health care and benefits. We realize this trust is based on our ability to protect the privacy and security of their personal information.

In 2002 VA established a central organization, the VA Privacy Service (PS) to oversee and support all privacy efforts within VA, to protect the privacy of veterans' and employees' personal information, and to ensure all privacy laws are applied consistently throughout VA. PS develops the programs, products, and VA-wide policies centrally, and they are then implemented locally by field-level privacy officers around the country.

What is privacy? How does it differ from security?

Although mentioned together in many contexts, security and privacy are different.

- **Privacy** represents "what" must be protected. It covers the collection, use, and disclosure of personal information.
- **Security** represents "how" information must be protected. It encompasses the methods for accessing and protecting the information.

It is possible to secure information without keeping it private. It is not possible to protect privacy without having security.

What are some of the privacy requirements that VA must comply with?

There are a myriad of Federal laws and regulations that address privacy concerns and the collection, use, and disclosure of personally identifiable information. The two most important are the Privacy Act of 1974 and HIPAA. Veterans should understand what rights they have under these two laws.

Privacy Act of 1974 – This Act covers how the Federal government, including VA, collects, maintains, uses, and discloses personal information that can be retrieved by the name of the individual. It covers all information maintained in agency records, not just health information, and covers all means of communication, verbal and written.

HIPAA – The Health Insurance Portability and Accountability Act (HIPAA) expands existing privacy protections and standardizes them for public and private health care facilities, which includes the Veterans Health Administration (VHA).

Under both laws, veterans are allowed the following:

- To access, review, and obtain copies of records the Federal government maintains on him or her, including medical records.
- To request an amendment to records that are incorrect.
- To obtain an accounting or list of disclosures of information maintained on him or her.

In addition, the Privacy Act:

- Creates a code of "fair information practices."
- Restricts disclosure of personally identifiable information maintained by the Federal government, including VA. (There are certain situations permitted by law when information can be disclosed; otherwise, information cannot be disclosed without prior written authorization from the individual/veteran.)

In addition, HIPAA requires that VHA provide veterans with the following:

- A copy of VA's Notice of Privacy Practices. If you did not receive this, you can find it on the internet at http://www1.va.gov/health_benefits/ or you can call the VA Health Benefits Call Center at **1-877-222-8387** for a copy.
- The right to request that VA not use or disclose your health information.

In general, VHA must have your written authorization to use and disclose your personal health information. However, your authorization is not required in certain circumstances including:

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

Also, HIPAA requires that VHA has written privacy procedures, designated privacy officers, and privacy training for all employees and contractors. Even if a VA employee does not handle patient medical records or work in a VA hospital, that employee may have direct or casual access to employee, veteran, dependent, or beneficiary personal information. As a result, that employee must protect this information.

Our employees know they must exercise care not to disclose information inadvertently. They know discussing veteran or employee information in public or private with employees, family, friends, or others who have no need to know is a violation of Federal law.

What does VA do to comply with privacy requirements?

- **Awareness** – VA ensures that all employees and contractors understand their legal responsibilities to protect the confidentiality of veterans' personal information in all forms – electronic, paper, and verbal.
- **Training** – VA requires annual mandatory privacy awareness training for all employees and contractors. Yearly training is also available for privacy officers, program managers, senior executives, and healthcare professionals.

Examples of your personal information that VA protects:

- Names
- Account numbers
- Certificate/license numbers
- Date of birth
- Dependent information
- Electronic mail addresses
- Fax numbers
- Full face photographic images or any comparable images
- Health plan beneficiary numbers
- Medical record numbers
- VBA claim record/folder file numbers
- Postal address information, where it would identify an individual under applicable law
- Social security numbers
- Telephone numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Other personal information, such as medical, financial, or education information
- Any other unique identifying number, characteristic, or code derived from, or related to, information about the individual or otherwise capable of being translated so as to identify the individual

What are the penalties?

- If a VA employee or contractor violates privacy requirements, he or she could face criminal and monetary penalties for each violation. Penalties may also apply to the supervisor and to VA.
- If you are concerned that your privacy rights have been violated, you may file a complaint by contacting your VA facility privacy officer or the VA Privacy Service.

For More Information

To learn more about privacy:

- Contact the privacy officer at your nearest VA facility.
- Email *specific privacy-related questions* to the VA Privacy Service at: privacyservice@va.gov
- Talk to your patient advocate or Veteran Service Organization (VSO) representatives to learn more about your rights.

Protect the Privacy of Personal Information

VA PRIVACY SERVICE
PRIVACY IS EVERYONE'S BUSINESS

Note: In general, the Department of Veterans Affairs does **not** call veterans and ask them to disclose or confirm personal or financial information over the phone. If you have any questions or concerns, please contact your local VA facility or call the VA Health Benefits Call Center at **1-877-222-8387**.

Stay Informed!

VA PAMPHLET 005-06-1

Department of Veterans Affairs

What Is VA Doing to Protect *Your* Privacy

Privacy Protection Is Everyone's Business

VA Privacy Service