



CITY OF PHILADELPHIA

LAW DEPARTMENT
One Parkway
1515 Arch Street, 17th Floor
Philadelphia, PA 19102-1595

PRIVACY REVIEW COMMITTEE POLICY

The Law Department has recently established a Privacy Review Committee and revised its internal process for reviewing privacy-related matters. The updated process will focus on matters involving the sharing or disclosure of information from one or more of the following City departments/offices:

- (1) Department of Public Health
- (2) Office of Behavioral Health and Intellectual disAbilities
- (3) Fire Department, Emergency Medical Services Division
- (4) Office of Homeless Services
- (5) Department of Human Services
- (6) Police Department
- (7) Department of Prisons
- (8) Data Management Office
- (9) Office of Human Resources

As background, the City maintains a large amount of sensitive information about Philadelphia residents that is protected by numerous federal and state confidentiality laws. The departments/offices listed above maintain medical, behavioral health, public health, social services, and criminal records that are particularly highly regulated. If sensitive City information is released improperly, the City may incur significant costs and penalties (the average HIPAA settlement payment, for example, is approximately \$1.3 million).

Due to the complexity of the applicable confidentiality laws and the increased volume of City initiatives involving data sharing, the Law Department reviewed its internal resources and processes to ensure that it is able to provide coordinated, consistent, and timely counsel. As a result, the Law Department has: (1) identified internal subject matter experts who will continue to provide advice on the confidentiality laws within their area of expertise, (2) retained outside counsel to supplement the Law Department's expertise when necessary, (3) formally established a Law Department Privacy Review Committee, and (4) designated the HIPAA & Privacy Law Unit to serve as gatekeeper and process coordinator.

The updated process, outlined in the attached diagram, is expected to streamline the processing of requests within the Law Department. Departments should continue to make requests to the Law Department through existing channels.

For questions about the Privacy Review Committee, contact First Deputy City Solicitor Craig Straw.

Law Department Privacy Review Process

Incoming matter that involves sharing City data, such as:

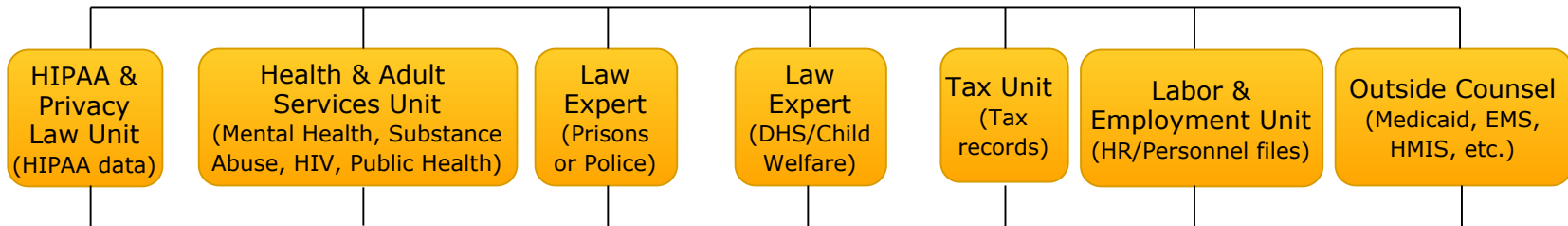
1. Research-related request (often involving a Data License Agreement)
2. Interdepartmental data-sharing initiative (often involving Memorandum of Understanding between departments)
3. Other project involving access to sensitive City data where privacy advice is needed

Submit request
(with application form)
to the HIPAA Privacy Unit at
HIPAAprivacy@phila.gov

This process applies to data originating from:

1. Health (PDPH)
2. Behavioral Health (DBHIDS)
3. Fire/EMS
4. Homeless Services (OHS)
5. Human Services (DHS)
6. Police
7. Prisons
8. Data Management Office (in MDO)
9. Human Resources

HIPAA Privacy Unit conducts initial review to identify applicable laws and sends the request to the appropriate Subject Matter Expert(s):



Privacy Review Committee
(reviews complex issues & policy questions)

Subject Matter Expert(s) provide advice re: requirements of applicable laws (coordinated by HIPAA & Privacy Law Unit)

If an agreement is needed, HIPAA & Privacy Law Unit notifies Commercial Law Unit that privacy review is complete

Commercial Law Unit prepares and processes the appropriate agreement, and maintains an executed copy