

## FAQ: HIPAA and Civic Engagement at Health Centers

This fact sheet is provided for guidance only. It is not a legal opinion.

**What is HIPAA?** HIPAA is the federal Health Insurance Portability and Accountability Act of 1996. The primary goal of the law is to make it easier for people to keep health insurance and protect the confidentiality and security of healthcare information. For health centers, protecting patient health information is also a legal requirement under the Health Insurance Portability and Accountability Act (HIPAA).

**What does the Privacy Rule protect?** The HIPAA Privacy Rule protects the confidentiality of identifiable health information, including personal and demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or could be reasonably used to identify the individual and their personal information.

**What are the HIPAA issues when doing voter registration?** Voter registration cards and information are not subject to HIPAA regulations. A center's ability to copy voter registration data to later contact a registered voter is a matter of their state's election law. There is no law or rule in New York State prohibiting photocopying or retaining information from completed registration applications. A voter's date of birth, signature, full or partial Social Security Number and driver's license number should be removed before copying any application.

**How does HIPAA affect collecting advocacy or pledge to vote cards?** Voter and civic engagement is a voluntary, opt-in activity. Patients voluntarily provide contact information for this purpose. It is okay for health centers to ask patients to fill out a pledge to vote or advocacy card and to track the data for follow up and program evaluation. It's a good policy to restrict what staff have access to the list. Please see the 2<sup>nd</sup> bullet below regarding sharing of the list with a civic engagement partner.

**How does HIPAA apply to creating a civic engagement database used for advocacy, education or program evaluation?** HIPAA prohibits the use of your electronic health records (EHR) or other patient database for activity related to your civic engagement program. You should not use patient data from the patient's record to fill out voter registration forms or add to your database. Only use information you received directly from the patient on their voter registration form, voter pledge or advocacy card or other civic activity.

A civic engagement database may include staff, family, community members as well as patients.

- Don't include a special field in your database that identifies the individual as a patient.
- You may share contact information with another civic partner to, for example, invite people to a forum or do nonpartisan voter education. If you do, you should request they not identify the list with your health center.
- Your health center may also use a civic engagement list to evaluate the success of your outreach program.

Please contact [info@nonprofitvote.org](mailto:info@nonprofitvote.org) for more information and guidance.

Health care providers can contact [vot-er.org](http://vot-er.org) to get a free healthy democracy toolkit to help their patients register to vote.

Source: [Nonprofit VOTE](http://NonprofitVOTE)