AT A GLANCE – May I disclose protected health information for public health emergency preparedness purposes?

(From the perspective of the source of the information)

**Disclosure to a Public Health Authority**

- **Am I a covered entity?**
  - **NO**
    - The Privacy Rule does not apply to non-HIPAA covered entities
  - **YES**
    - Is the intended recipient a public health authority (PHA)?
      - **NO**
        - Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
      - **YES**
        - Is the PHA authorized by law to collect or receive information for the purpose of preventing or controlling:
          - disease,
          - injury, or
          - disability
        - including, for purposes of emergency preparedness?
          - **YES**
            - The disclosure can be made
          - **NO**
            - The disclosure may NOT be made unless there is a signed authorization

**Disclosure to a non-Public Health Authority**

- Is the intended recipient another entity that seeks information for public health purposes?
  - **NO**
    - Is the intended recipient a health care provider that uses or discloses information for treatment purposes?
      - **NO**
        - Is the disclosure by a provider and is the recipient another person or agency that would use or disclose information for treatment?
          - **NO**
            - The disclosure can be made
          - **YES**
            - You may make a disclosure subject to minimum necessary
              - §164.502(b), §164.514(d)
      - **YES**
        - Is the intended recipient another entity that seeks information for public health purposes?
          - **NO**
            - The disclosure may NOT be made unless there is a signed authorization
          - **YES**
            - The disclosure can be made

**Disclosure of a Limited Data Set**

- Are you disclosing only a limited data set (LDS)?
  - **YES**
    - You may make a disclosure subject to minimum necessary
      - §164.502(b), §164.514(d)
  - **NO**
    - Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508

**Disclosure with individual authorization**

- Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508