PURPOSE

The purpose is to establish the policy and procedure for the Michigan Department of Health and Human Services (MDHHS) to establish MDHHS guidelines for the final disposition of Electronic Protected Health Information (ePHI) and/or hardware or electronic media on which it is stored.

REVISION HISTORY

Issued: 09/20/2006
Revised: 01/01/2016
Reviewed: 01/01/2017
Next Review: 01/01/2018

DEFINITIONS

ePHI is the acronym for Electronic Protected Health Information. It is Protected Health Information that is transmitted or maintained in electronic form.

PHI is an acronym for Protected Health Information. It is information that can identify a person and contains health related data pertaining to that person.

Workforce Member means employees, volunteers and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. This includes full and part time employees, affiliates, associates, students, volunteers and staff from third party entities who provide service to the covered entity.

Destruction of Electronic Media is the process of physically damaging a medium so that it is not usable by any devise that may normally be used to read electronic information on the medium, such as a computer, tape reader, audio or video player.

POLICY

It is the policy of the MDHHS that workforce members must follow Department of Technology, Management and Budget (DTMB) Procedures for disposal of desktop and other surplus computer equipment. The DTMB requires that all salvage and surplus activity for information technology desktop and peripheral equipment be processed through the depot maintenance section. This process can be started by calling the Client Service Center at 517-241-9700 or 800-968-2644. The DTMB will make the determination as to

what will be placed in surplus redeployed to other State of Michigan agencies, or salvaged at a state salvage facility.

All electronic media must be properly sanitized before custody is transferred from the current owner. The proper sanitization method depends on the type of media and the intended disposition of the media. Departments should follow procedures established by DTMB related to removal, storage, reuse and disposal of hardware.

PROCEDURE

Division Director or Section Supervisor/Manager/Workforce Member

Prior to disposal, operable hard drives must be overwritten in accordance with procedures that will ensure complete overwriting. The department responsible for destruction and disposal of hard drives and other computer equipment should maintain documentation of proper sanitization for hard drives. Equipment designated for surplus or other disposal should have a label affixed stating that the hard drive has been properly sanitized.

Before a hard drive is transferred from the custody of its current MDHHS owner, appropriate care must be taken to ensure that no unauthorized person can access ePHI by ordinary means. All electronic media should be sanitized. However, if the drive is remaining in the department, the hard drive may instead be formatted prior to transfer. Special recovery tools must be used by an individual to access the data erased by this method; any attempt by an individual to access unauthorized data would be viewed as a conscious violation of the HIPAA Security Rule, as well as other state and federal regulations and the policies of MDHHS.

Transfer of electronic media other than hard drives within a department: Before electronic media is transferred from the custody of the current owner, appropriate care must be taken to ensure that no unauthorized person can access data by ordinary means. Electronic media such as floppy disks, rewritable CD-ROMS, zip disks, videotapes, and audiotapes should be erased if the media type allows it or destroyed if erasure is not possible.

All electronic media other than computer hard drives must be erased, degaussed, or rendered unusable before leaving MDHHS.

Department of Technology, Management and Budget (DTMB)

Overwrite the hard drive in accordance with the procedures. Keep a record documenting hard drive overwriting. If the hard drive cannot be overwritten the hard drive must be disassembled and mechanically damaged so that it is not usable by a computer.

REFERENCES

45 CFR 164.310(d)(1)

DTMB 1340.00.110.04 Secure Disposal of Installed and Removable Digital Media Standard

DTMB 0910.06 Destruction of Confidential Records

DTMB 0910.02 Records Retention and Disposal Schedules

CONTACT

For additional information concerning this policy and procedure, contact the MDHHS Compliance Office at MDHHSPrivacySecurity@michigan.gov.