

Iowa County, Iowa  
Policy Manual

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|--------------------------------------|-----------------------------------|
| Title: HIPAA Record Retention Policy | Reference #: HR003                |
| Section:                             | Date Effective/Revised: 3/15/2024 |
| Department (s): HIPAA Components     | Approved By: Board of Supervisors |

## **HIPAA RECORD RETENTION POLICY**

### **POLICY**

Iowa County recognizes that HIPAA requires all documentation of HIPAA compliance to be maintained for a period of at least six (6) years. To support Iowa County's commitment to compliance with HIPAA, Iowa County shall retain all records documenting HIPAA compliance for at least the required retention period.

### **PURPOSE**

The purpose of this policy is to provide Individuals with guidance on the required retention period for HIPAA documents, including examples of the type of records that must be retained.

### **PROCEDURE**

Iowa County shall retain all documentation of its HIPAA compliance for six years from the date of its creation or the date when it was last in effect, whichever is later. The following are more specific examples of the retention obligations for certain HIPAA compliance records:

#### **Accounting of Disclosures**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. the information required to be included in an Accounting of Disclosure under HIPAA;
2. all written requests by an Individual for an Accounting of Disclosures; and
3. the written Accounting of Disclosures that is provided to the Individual.

#### **Amendment of PHI**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. all signed requests to amend PHI for a period of six (6) years;
2. if a request for amendment to PHI is granted, a copy of the material sent to the Individual and/or any third party in response to the amendment; and
3. if a request for amendment is denied, a copy of the written notice of denial, the Individual's statement of disagreement and Iowa County's rebuttal, if applicable.

#### **Business Associate Agreements**

Iowa County shall retain all signed Business Associate Agreements and underlying agreements for a period of at least 6 years from the date of their creation or the date when they last were in effect, whichever is later.

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### **De-Identified Information**

Iowa County shall retain all documentation related to HIPAA de-identified data for a period of at least six (6) years from the date of creation or when last in effect, whichever is later.

### **Documentation of HIPAA Uses and Disclosures**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. policies and procedures related to the use and disclosure of PHI;
2. all requests for use or disclosure of PHI, including Individual requests for access, amendment and accounting, whether made by the Individual who is the subject of the PHI or third parties;
3. originals or signed copies of agreements with Business Associates referring to the use or disclosure of PHI; and
4. any and all forms related to the use or disclosure of PHI, including but not limited to the following forms:
  - a. Authorization to Use or Disclose PHI;
  - b. Request to Access PHI;
  - c. Request to Amend PHI;
  - d. Complaint Form; and
  - e. Notice of Privacy Practices and any changes made thereto.

### **Family Involvement/Personal Representatives**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. all HIPAA Authorizations to Use or Disclose PHI provided by an Individual's family members; and
2. all documentation provided regarding an Individual's status as a personal representative or guardian of an Individual.

### **Health Oversight Disclosures**

Iowa County shall retain all documentation relating to a use or disclosure which was made to a Health Oversight Agency for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later. This shall include, at a minimum, the following:

1. the name of the person or entity requesting the information;
2. the authority pursuant to which the Individual or entity is requesting the information;
3. the verification procedures used;
4. the circumstances under which the information was sought and released; and
5. the date of the disclosure and a copy of any and all information released.

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### **Judicial or Administrative Disclosures**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. the original, or a copy, if appropriate, of the court or administrative tribunal's request;
2. statements regarding assurances of notice to the Individual or statements regarding a qualified protective order;
3. the procedures used to verify the identity and authority of the requesting party; and
4. a copy of the PHI provided, if any.

### **Law Enforcement Disclosures**

Iowa County shall retain all documentation relating to a use or disclosure which was made to a Law Enforcement Official for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later. This shall include, at a minimum, the following:

1. the name of the person or entity requesting the information;
2. the authority pursuant to which the Individual or entity is requesting the information, the verification procedures used;
3. the circumstances under which the information was sought and released; and
4. the date of the disclosure and a copy of any and all information released.

### **Limited Data Sets**

Iowa County shall retain all documentation relating to the creation, use or disclosure of a limited data set for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later. This shall include, at a minimum, the following:

1. the name of the person or entity receiving the information;
2. the purpose for which the limited data set was created, used or disclosed;
3. the date of the creation, use or disclosure; and
4. a copy of any and all information created, used or disclosed.

### **Marketing**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. written marketing policies and any and all revisions to those policies; and
2. all signed Authorizations to use or disclose PHI for marketing; and
3. copies of all marketing materials.

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### **Acknowledgement of Receipt of Notice of Privacy Practices**

Iowa County shall retain copies of any written acknowledgments of receipt of the Notice of Privacy Practices, or, if not obtained, documentation of its good faith efforts to obtain such written acknowledgment. Iowa County must retain this documentation from the date of its creation until six years after the date when it was last in effect.

### **Authorizations**

Iowa County shall retain the signed Authorizations to Use or Disclose PHI for at least six years from the date of its creation or the date when it last was in effect, whichever is later.

### **Notice of Privacy Practices**

Iowa County shall retain a written and electronic copy of each effective HIPAA Notice of Privacy Practices for a period of six years from the date of its creation or if later, the date it was last in effect.

### **Privacy Officer**

Iowa County shall retain the following for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later:

1. the official designation of the Privacy Officer; and
2. the job description for the Privacy Officer.

### **Disclosures Required by Law**

Iowa County shall retain all documentation relating to a use or disclosure which was Required by Law for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later This shall include, at a minimum, the following:

1. the name of the person or entity requesting the information;
2. verification of the identity and/or authority of the Individual requesting the information; and
3. a copy of any and all information released.

### **Uses and Disclosures of PHI for Research**

Iowa County shall retain all documentation relating to the use and disclosure of PHI for research for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

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### **Safeguarding of PHI**

Iowa County shall retain all documentation relating to the safeguarding of PHI for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

### **Sale of PHI**

Iowa County shall retain all documentation relating to the sale of PHI for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

### **Sanctions**

Iowa County shall retain all documentation relating to the investigation of potential violations of HIPAA subject to sanctions and the imposition of sanctions for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

### **Training of Personnel**

Iowa County shall retain all documentation relating to training of personnel for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

### **Verification**

Iowa County shall retain all documentation relating to the verification of the identify and legal authority of a public official or a person acting on behalf of the public official requesting disclosure of PHI for a period of at least 6 years from the date of its creation or the date when it last was in effect, whichever is later.

### **Breach Notification**

Iowa County shall retain all documentation relating to the risk assessment performed in analyzing a potential breach, a record of all breach notifications provided and a record of all requests for law enforcement delays, for a period of at least 6 years from the date of its creation or the date when it was last in effect, whichever is later.