

Michigan Disease Surveillance System- HIV and AIDS Confidentiality Policy

MDSS provides an alternative method of reporting HIV infection to the health department that will enhance the timeliness and quality of the data.

The purpose of this policy is to ensure the confidentiality of HIV or AIDS information when using MDSS as a reporting tool for HIV infection.

Michigan has laws that are specifically intended to protect the confidentiality of HIV/AIDS surveillance information and to protect the privacy of HIV-infected individuals. These laws are supported by several federal statutes. In addition, the Centers for Disease Control and Prevention (CDC), the federal agency that provides funding for states to carry out HIV/AIDS surveillance, requires-as a condition of funding-that states follow strict security standards and guidelines when handling HIV/AIDS information (*refer to the Michigan HIV/AIDS Confidentiality and Security Policy*).

All HIV/AIDS information is considered as some of the most confidential information managed by state and local health departments. Although MDSS provides a platform for collecting case information securely and confidentially, the following are minimum procedures that MDSS users should consider when reporting HIV or AIDS information:

- *Users will only access information on the system for which they have authorization. Only staff whose duties require access to HIV/AIDS information will be given authorization to this information. Access to HIV/AIDS information is defined by job function and geography/jurisdiction (refer to the section in the MDSS manual regarding roles and permissions).*
- *Users must not disclose any confidential, restricted or sensitive data to unauthorized persons.*
- *All staff authorized to access confidential HIV/AIDS surveillance information and data are individually responsible for protecting their own workstation, laptop, WAN access, or other devices associated with confidential surveillance information or data. This responsibility includes protecting keys, passwords, and codes that would allow access to confidential information or data.*
- *Users accessing HIV/AIDS information will log off upon completion of work sessions at any workstation. Additionally, each workstation should be configured with a password-protected screen saver, which will lock the computer after 5 - 10 minutes of non-use. This prevents entry by an individual who does not have access to HIV/AIDS information.*
- *All HIV/AIDS records, case report forms, lists or other information printed from MDSS will be handled according to the facilities privacy and confidentiality guidelines. Local Health Departments should not maintain a roster of names of individuals with HIV (MCL 333.5114)*

Confidentiality Protections of HIV/AIDS Information

1. Federal Regulations

Specific provisions of the Public Health Service Act (42 USC 242k and 242m(d)) prohibit the use of personally identifiable HIV/AIDS data for any purpose other than that for which it was provided, unless the person who will be identified has consented to an alternative use.

2. State Reporting Regulations

In Michigan, HIV infection is required to be reported under Michigan Compiled Laws (MCL) 333.5114. Patient consent is not required for reporting and reporting is not subject to HIPPA.

Confidentiality of HIV/AIDS Information (MCL 333.5131)

HIV-related information is confidential and cannot be released unless the patient authorizes disclosure, or a statutory exception applies. This confidentiality statute applies to all reports, records, and data pertaining to testing, care, treatment, reporting and research, and information pertaining to partner services (formerly known as partner notification or partner counseling and referral services) under section 5114a, that are associated with the serious communicable diseases or infections of HIV and AIDS.

For Patient-Authorized Disclosures, Subpoena of HIV/AIDS Related Information, Exemptions to Release of Confidential Information and Other Confidentiality Exemptions-*refer to Michigan HIV Laws-How They Affect Physicians and Other Health Care Providers.*

3. CDC Requirements and Practices- *refer to MI HIV/AIDS Confidentiality and Security Policy*

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