

Health Fairs and HIPAA

Is health information obtained from a health fair covered under HIPAA?

Do I need to provide a Notice of Privacy Practices at my health fair?

Maybe. The primary determinate is:

Do you keep the person's health information or give it to him/her to take with him/her?

- a. If you give the information to the health fair participant and *do not* maintain any of it in *any* format, you do not need to provide a Notice. This information is not covered by HIPAA.
- b. If you maintain information that identifies individuals, it may be covered by HIPAA, and the person may need to be given a Notice. (See below for additional information.)

Are you gathering information with no identifiers (identifiers according to HIPAA guidelines) to where there is no way of identifying individuals?

If it is truly not individually identifiable up front (no identifiers gathered at any point) with absolutely no way of re-identifying it (such as to be used for statistical purposes), you do not need to provide a Notice.

In the paperwork you give the person, include a disclaimer stating that this information is not protected by federal or state privacy rules.

Depending on what you are doing with the information, even if it is not covered by HIPAA, it may fall under research and require IRB approval. Contact the IRB if you have any questions.

Are you maintaining identifiable information in any format (paper or electronic)?

If so, the person must receive a Notice of Privacy Practices. The information is covered under HIPAA.

If you keep the information in any format, you must:

Tell the person (in writing) what data you are maintaining, how you are maintaining it, and what you are going to do with it.

If you are maintaining individually identifiable information, what are you doing with it?

Any type of research studies must be approved by the IRB. The health fair participant would need to be informed of the study and consent to be a potential subject. If you have any questions, contact the IRB for guidance. If you are gathering it for other purposes, is your department aware, and do you have approval?