



December 21, 2018

The exchange of immunization data is permissible under the Health Insurance Portability and Accountability Act (HIPAA) without patient authorization if the disclosure is required by law or if the disclosure is required for public health activities.

Alabama law allows for the exchange of immunization information between immunization registry users. Ala. Admin. Code 420-6-2-.01 thru -.08 Therefore, immunization registry users can continue to exchange information pursuant to state law. HIPAA regulations do not pre-empt state laws "for the conduct of public health surveillance, investigation, or intervention." 45 CFR 160.203(c).

Moreover, immunization information can be released to the Alabama Department of Public Health (ADPH) pursuant to the HIPAA exceptions for public health activities. ADPH is a public health authority as defined by HIPAA. 45 *CFR* §164.501. The Federal HIPAA Privacy Rule provides that covered entities may disclose, without individual authorization, protected health information (PHI) to public health authorities for certain public health activities. 45 *CFR* §164.512(a) and (b). Because ADPH is a public health authority authorized by law to collect or receive immunization information for the purpose of preventing or controlling disease, including, but not limited to, public health surveillance, investigations, and interventions, **PHI may be disclosed to ADPH without patient authorization.**

In conclusion, pursuant to HIPAA regulations, immunization registry users can continue to share immunization information in accordance with state law and you may release immunization information without patient authorization to ADPH to conduct public health activities. Additionally, guidance from the Department of Health and Human Services Office of Civil Rights instructs health care providers to rely on ADPH's judgment as to the minimum amount of information necessary to fulfill the disclosure request.

If you have any questions or concerns, please do not hesitate to contact the Office of Compliance by calling (334) 206-9324.

Sincerely,

Pamela Kendrick, CHPC
Privacy Officer