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Memo To: WCSD Employees

Re: HIPAA Privacy Rights

The purpose of this memorandum is to clarify some common misconceptions regarding the privacy protections afforded to employees under HIPAA. The Health Insurance Portability and Accountability Act of 1996 Privacy and Security Rules provide federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information. HIPAA rules apply only to covered entities: health care providers, health plans, and health care clearinghouses. Employers are among many organizations that may have health information about you that are not subject to HIPAA rules. If your employer provides a health plan, HIPAA rules do protect your medical or health plan records if you are a member of the health plan but do not apply to your employment records, even if the information in those records is health-related. This is not meant to imply that the WCSD Human Resources Office does not zealously guard the privacy rights of our employees in general and treat health-related information in your employment records with appropriate confidentiality. I assure you that we do. Neither do HIPAA rules apply to the actions of an employer. Specifically, HIPAA does not prevent authorized employer representatives from asking you for information about your health condition if your employer needs the information to administer sick leave, workers' compensation, wellness programs, or health insurance. However, if your employer asks your health care provider directly for information, HIPAA requires that your provider must have your authorization to disclose the information to your employer unless other laws require disclosure. In some cases, you may be asked by the Human Resources Office to give your consent to your health care provider to provide more detailed information to us regarding a health condition that affects your ability to perform your job. Such requests do not violate HIPAA rights. Even if a Human Resources Office representative contacted your health care provider directly in the process of administering sick leave benefits (which we do not do) and your provider provided information to us without your authorization, the violation of HIPAA rules would be by your provider, not by the Human Resources Office. However, you will find that the knowledgeable and experienced Human Resources staff will properly contact you, not your health care provider directly. All personal health information provided to the Human Resources Office will be treated with appropriate confidentiality. Please direct any questions you may have regarding HIPAA to the appropriate personnel associate in the Human Resources Office.

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