

Operational Policy

Policy title:	Minimum Necessary Standard for Releasing Confidential, Sensitive, and Protected Information		
Policy number:	ODHS 100-004		
Original date:	7/22/2009 DHS Only	Last update:	02/01/2023
Approved:	Don Erickson, ODHS Chief Administrative Officer		

Purpose

This policy is one of a series that describes Oregon Department of Human Services (ODHS) requirements, expectations, and reasonable safeguards to protect the privacy of confidential, sensitive, and protected information from inappropriate collection, use, and disclosure in order to provide services and benefits to ODHS individuals.

Description

This policy describes the responsibility of ODHS staff to safeguard information by using the minimum amount of information necessary to accomplish the purpose for which it is being collected, used, disclosed, or requested.

Applicability

This policy applies to all ODHS staff including employees, volunteers, trainees, and interns as well as contractors and partners.

As keepers of the public trust, agency workforce has a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Individuals who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. ODHS staff shall use, disclose, or request the least amount of confidential, sensitive, or protected information:
 - a. Needed to accomplish the goal and intended purpose of the request (minimum necessary standard); and
 - b. Only to the extent provided in federal and state statutes and rules, and agency policies.
2. Minimum necessary standard applies:
 - a. When using confidential, sensitive, or protected information within the ODHS;
 - b. When disclosing confidential, sensitive, or protected information to a third party in response to a request; or
 - c. When requesting confidential, sensitive, or protected information from a covered entity.
3. The minimum necessary standard does not apply to:
 - a. Disclosures to or requests by a health care provider for treatment;
 - b. Disclosures made to the individual, including disclosures made in response to a request for access or an accounting;
 - c. Disclosures made with a valid authorization such as MSC 3010 or other legally sufficient written authorization;
 - d. Disclosures made to the U.S. Department of Health and Human Services (DHHS) for the purposes of compliance and enforcement of federal regulations under 45 Code of Federal Regulations (CFR) part 160 and required for compliance with 45 CFR part 164; or
 - e. Uses and disclosures required by law.
4. ODHS staff working in business associate (BA) programs shall refer to ODHS|OHA 100-013 Business Associates Relationship Policy and ODHS|OHA 100-008 HIPAA: Minimum Necessary Requirements Policy as these policies align with Health Insurance Portability and Accountability Act (HIPAA) requirements.

References

[45 CFR 160 General Administrative Requirements](#)

[45 CFR 164 Security and Privacy](#)

[OAR 407-014-0000 to 407-014-0070 Privacy and Confidentiality](#)

Forms

[MSC 3010 Authorization for Disclosure, Sharing and Use of Individual Information](#)

Policies

[ODHS|OHA 100-008 HIPAA: Minimum Necessary Requirements Policy](#)

[ODHS|OHA 100-013 Business Associates Relationship Policy](#)

Contact

Information Security and Privacy Office (ISPO)

Phone: 503-945-5780 (Privacy)

Email: dhs.privacyhelp@odhsoha.oregon.gov

U. S. Department of Health and Human Services, Office for Civil Rights

Medical Privacy, Complaint Division

200 Independence Avenue, SW

Washington, D.C. 20201

Toll free Phone: 877-696-6775

Phone: 866-627-7748

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Policy history

Version 1 DHS 100-004 established 07/12/2009

Version 2 DHS 100-004 revised 03/06/2017

Version 3 ODHS 100-004 revised 02/01/2023

Keywords

Disclosing, disclosures, least amount, minimum, minimum necessary, minimum necessary standard, protected information, confidential, sensitive

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