

**Operational Policy**

<b>Policy title:</b>	Enforcement of Individual Privacy Violations		
<b>Policy number:</b>	ODHS OHA 100-012		
<b>Original date:</b>	7/22/2014 OHA only	<b>Last update:</b>	09/12/2022 (Joint)
<b>Approved:</b>	Kris Kautz, Deputy Director OHA Don Erickson, Chief Administrative Officer ODHS		

**Purpose**

This policy is one of a series that outlines Oregon Department of Human Services (ODHS) and Oregon Health Authority (OHA) expectations for the necessary collection, use, and disclosure of protected information about individuals in order to provide services and benefits while maintaining reasonable safeguards to ensure the privacy of protected information.

ODHS|OHA staff are responsible for reading all ODHS|OHA privacy policies to be sure they understand how these policies work together to protect individual privacy.

**Description**

This policy describes ODHS|OHA enforcement and staff responsibilities related to knowing, understanding, and complying with state and federal privacy statutes and rules, and ODHS|OHA policies.

**Applicability**

This policy applies to all ODHS|OHA staff including employees, volunteers, interns, and contractors. This definition of staff aligns with the HIPAA definition of workforce.

As keepers of the public trust, staff have 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|OHA staff shall guard against unauthorized use or disclosure of protected information through ongoing education, awareness, training, and regular review of agency policies.
  - a. Staff who are uncertain about whether a use or disclosure is allowed shall consult with a supervisor.
  - b. The Information Security and Privacy Office (ISPO) is a resource for any ODHS|OHA staff who cannot resolve a disclosure question.
  - c. The Criminal Justice Information Services (CJIS) Local Agency Security Officer is a resource for any ODHS|OHA staff who cannot resolve a disclosure question regarding CJI.
2. ODHS|OHA programs shall ensure staff are trained on their program specific information privacy and security responsibilities related to protected information. Protected information includes, but is not limited to, personally identifiable information (PII), protected health information (PHI), federal tax information (FTI), Criminal Justice Information (CJI), and Social Security Administration (SSA) information.
3. ODHS|OHA partners required to protect information under the terms of their agreements and contracts may have their agreements terminated for failure to comply.
4. Unintentional and non-malicious actions may not be subject to discipline based on determinations made in collaboration with ISPO and Human Resources.

## **References**

[45 Code of Federal Regulations \(CFR\) 160 General Administrative Requirements](#)

[45 CFR 164 Security and Privacy](#)

[Oregon Administrative Rules \(OARs\) 943-014-0015 Covered Entity Status for Purposes of the HIPAA Privacy Rules](#)

[Department of Administrative Services \(DAS\) Master Collective Bargaining Agreement](#)

## **Policies**

[ODHS|OHA 090-004 Information Security and Privacy Awareness and Training Policy](#)

[ODHS|OHA 100-001 Privacy Policy](#)

## **Contact**

Information Security and Privacy Office (ISPO)

Phone: 503-945-5780 (Privacy)

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### **Policy history**

Version 1 OHA 100-012 established 07/22/2014

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### **Keywords**

Collective Bargaining Agreement, discipline, enforce, enforcement, guard, non-malicious, unauthorized, unintentional, violate

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