



December 16, 2005

Mr. Lawrence S. McGuinn
Chief, American Community Survey Office
United States Department of Commerce
U.S. Census Bureau
Washington, DC 20233-0001

Dear Mr. McGuinn:

Thank you for your letter regarding this Department's Privacy Rule, issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and its application to the Census Bureau's American Community Survey Group Quarter (ACS GQ) data collection. In response, we provide the following guidance regarding the HIPAA Privacy Rule and how it may apply to a covered entity's disclosure of information for the ACS GQ data collection.

Your letter states that, as part of the survey, Census Bureau representatives will collect data through interviews of individuals at group quarters, such as hospitals, nursing homes, and psychiatric units. Specifically, your letter states that Census Bureau representatives will ask for a list of the people (or occupied beds) who are staying at the sampled health care facility on the day of the ACS GQ visit, and then will select a random sample of individuals to complete interviews. In addition, Census Bureau representatives have advised that these survey activities are mandated by Title 13 of the United States Code, and that persons are subject to penalties for refusing to provide the requested information or otherwise cooperate with Census Bureau representatives.

To the extent that any of the group quarters are covered entities under the HIPAA Privacy Rule, they only may use and disclose patient health information as permitted or required by the Privacy Rule. In general, the Privacy Rule permits uses and disclosures of protected health information with an individual's authorization; or without an authorization, for treatment, payment, and health care operations purposes, as well as for a number of other specified purposes. See 45 CFR 164.502. Particularly, the Privacy Rule permits a covered entity to use or disclose protected health information without an authorization where required to do so by other law. See 45 CFR 164.512(a). As such, to the extent required by Title 13 or other law, a covered entity is permitted under the Privacy Rule to disclose protected health information to the Census Bureau for survey purposes.

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We trust this information is helpful. Additional helpful information about the HIPAA Privacy Rule is available on our website at <http://www.hhs.gov/ocr/hipaa/>. Please contact me with any further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Campanelli", with a long horizontal flourish extending to the right.

Richard M. Campanelli, MD.

Director

Office for Civil Rights