

1/12/11  
JAN 10 2011

The Honorable Rafael Moure-Eraso  
Chairperson  
Chemical Safety and Hazard Investigation Board  
2175 K Street N.W.  
Suite 650  
Washington, D.C. 20037-1809

Dear Mr. Moure-Eraso:

I am responding to your December 16, 2010 letter to the Secretary requesting a legal opinion from this office concerning the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule. Specifically, you sought confirmation from this Department of the Chemical Safety and Hazard Investigation Board's (CSB) status as a "public health authority" under 45 C.F.R. 164.501 of the Privacy Rule. The Office of the General Counsel does not provide such legal opinions. The Department's Office for Civil Rights has responsibility for interpreting and enforcing the HIPAA Privacy Rule. We have consulted with the Office for Civil Rights, which agrees that the CSB is a public health authority under the Privacy Rule. Therefore, a HIPAA covered entity may disclose protected health information to the CSB without individual authorization as provided at 45 C.F.R. 164.512(b) (uses and disclosures for public health activities) subject to the Privacy Rule's minimum necessary and verification of identity and authority requirements.

If you have any questions, please contact Louis Altarescu of my staff at (202) 619-3947.

A handwritten signature in blue ink, appearing to read "Sally A. Howard".

Sally A. Howard  
Acting General Counsel