



# Department of Defense INSTRUCTION

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NUMBER 6025.18

December 2, 2009

Incorporating Change 1, Month Day, Year

USD(P&R)

SUBJECT: Privacy of Individually Identifiable Health Information in DoD Health Care Programs

- References:
- (a) Sections 1320a -1320d-8 of title 42, United States Code
  - (b) Title 45, Code of Federal Regulations, "Public Welfare," current edition
  - ~~(c) DoD 5025.1-M, "DoD Directive System Procedures," current edition~~
  - ~~(d)~~ (e) Section 552 of title 5, United States Code
  - ~~(ed)~~ (ed) DoD Directive 5400.11, "DoD Privacy Program," ~~August 13, 1999-May 8, 2007~~
  - ~~(fe)~~ (fe) DoD 5400.11-R, "Department of Defense Privacy Program," ~~August, 1983 May 14, 2007~~
  - (f) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003.

All changes are converted to red type. Deletions are strikethrough followed by insertions in italics. Your issuance will go through processing in this format so changes are easily seen.

The red type strikethrough and red type italics will be converted to regular text (strikethrough text removed) after OSD Component head or DepSecDef approval and before the change is published online.

## 1. PURPOSE.

This Instruction:

1.1. Establishes policy and assigns responsibilities for implementation of the standards for privacy of individually identifiable health information established by references (a) and 45 CFR Parts 160 and 164 (reference (b)).

1.2. Authorizes the "Privacy Program for Health Information in the DoD Health Care Programs" publication in accordance with reference (c).

## 2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all

other organizational entities within the Department of Defense (hereafter referred to collectively as “the DoD Components”)

### 3. DEFINITIONS

3.1. Health care entities. Department of Defense health plans (such as TRICARE), health care providers (such as medical treatment facilities), and other covered entities to the extent that such plans, providers, or entities are subject to references (a) and (b).

### 4. POLICY

It is DoD policy:

4.1. That health care entities will comply with their obligations under references (a) and (b), while continuing to maintain compliance with 5 U.S.C. 552a, DoD Directive 5400.11, and DoD 5400.11-R (references (~~dc~~), (~~ed~~), and (~~fe~~)).

4.2. That health care entities shall, as authorized by and consistent with the procedures of reference (b), assure the availability to appropriate command authorities of health information concerning military personnel necessary to assure the proper execution of the military mission.

### 5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Health Affairs), under the Under Secretary of Defense (Personnel and Readiness), shall exercise oversight to ensure compliance with this Instruction *and DoD 6025.18-R (Reference (f))* and ~~issue the Privacy Program for Health Information in the DoD Health Care Programs publication-update supporting guidance for implementation of this Instruction as necessary.~~

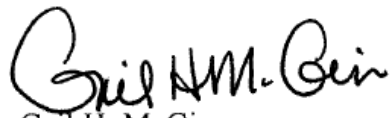
5.2. The Secretaries of the Military Departments and other Heads of the DoD Components shall comply with this Instruction and the ~~Privacy Program for Health Information in the DoD Health Care Programs publication-supporting guidance provided by the Assistant Secretary of Defense (Health Affairs).~~

6. RELEASABILITY. UNLIMITED. *This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.*

The change number and date is in the footer on all pages after page 1.

Issuances posted on the website must have a releasability statement. The new paragraph formatting will be used for this addition.

67. EFFECTIVE DATE. This Instruction is effective immediately.



Gail H. McGinn  
Deputy Under Secretary of Defense (Plans)  
Performing the Duties of the  
Under Secretary of Defense for  
Personnel and Readiness

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throughout all changes.