VHA Information Access and Privacy

VHA Privacy Office

# Privacy Fact Sheet

May 2017

## Use of Individually Identifiable Information in Microsoft Office Applications

This fact sheet provides guidance to the field on when it is appropriate to include individually identifiable information (III) and/or protected health information (PHI) when using Microsoft Office Outlook Calendar, Microsoft Outlook E-mail, Microsoft Lync, and Text Messaging. Electronic mail (e-mail) and information messaging applications and systems are used as outlined in VA policy (VA Directive 6301, VA Directive 6500, and VA Handbook 6500). These types of messages should never contain Individually Identifiable Information (III), unless the authentication mechanisms have been secured appropriately. Authenticated mechanisms approved for use in VA is Public Key Infrastructure (PKI) for external and internal messages and Rights Management Service (RMS) for internal VA messages. See below when Outlook may be used to send one-way VHA communications without encryption.

**Are there identifiers that are acceptable to be sent via outlook email without encryption?**

Office of General Counsel (OGC) indicated that last four numbers of the Social Security Number (SSN) and first initial of the last name are not identifiable by itself. However, when you add any other individually identifiable information or health information that has not been de-identified in accordance with VHA Directive 1605.01 you may no longer send this alphanumeric code via Outlook without encryption.

For example you **can** send the following messages in Outlook without encryption:

"Please look at the co-payment bill for A#### as I think there is a mistake on the bill."

“The list of employees that will be involved in the Environmental Rounds from my Service are as follows:

Mary Smith, John Jones, Sue Brown”

However, you **cannot** send the following message in Outlook without encryption:

" On January 1, 2007 A#### had an appointment in the Cardiology Clinic. The visit for that appointment was coded wrong. The diagnoses should be CHF not cardiovascular disease."

**What is considered individually identifiable or personally identifiable and should not be sent in outlook email unless encrypted**?

Sensitive information per VA definition:

\* Name (employee names are acceptable)

\* Address

\* Social Security Number

\* Names of Relatives

\* Other information regarding relatives

\* Telephone/Fax/Other Numbers

\* Photographs or Physical Presence; or

\* Geographic Destination Smaller than a State.

**NOTE**: See VHA Directive 1605.01, Appendix A for additional information on HIPAA de-identification of data.

**What is acceptable to place in the subject line of an outlook email message?** The first initial of the last name and last four of the social security number by itself is not considered individually identifiable and therefore can be included in the subject line. Any non-identifiable information can be placed in the subject line.

**NOTE**: Subject lines are not able to be encrypted.

**Is patient-provider communication that contains PHI or III acceptable over email?**

No. The VA has not given permission to communicate personally-identifiable or any protected health information with patients/Veterans from or to private electronic mail accounts such as AOL.com, Verizon.com, Yahoo.com, or any .com address even if the patient/Veteran initiates the electronic communication. If initiated by the patient/Veteran and the message contains III or PHI, VA cannot respond back and must call or write the patient/Veteran. Secure Messaging (SM) within My Health***e***Vet, VA’s Personal Health Record (PHR), is being used nationally. Secure Messaging allows for secure, two-way electronic communication between patients and members of their health care team.

**NOTE**: Secure Messaging through My Health***e***Vet is **not** considered email. Secure Messaging (SM) is web-based, encrypted communication between patients and health professionals. For patients, SM through My Health***e***Vet offers convenient access to healthcare team members for non-urgent issues.  For clinical staff, SM provides a personal and efficient way to communicate virtually with patients.  Patients must complete My Health***e***Vet In-Person Authentication, visit the Secure Messaging page and Opt In (agree to terms of use). For more information, contact the My Health***e***Vet Coordinator in your VA facility and/or visit [Secure Messaging Through My HealtheVet](http://vaww1.va.gov/MYHEALTHEVET/Secure_Messaging.asp)

**Can VA employees text a Veteran?**

Yes, as long as there is no PII or PHI in the text as we are following the same guidelines that we would for email (see VA Handbook 6500). You cannot mention specific locations of appointments and any additional information except as follows:

Reminder: You have an upcoming appointment at the Tampa VAMC later this week in Buidling ### Rm #. Please call 321-123-3213 to confirm your appointment time or if you have any questions.

A date and time of an appointment by itself is okay, but it should never be combined with a facility name or location or a clinic name or location. Doing so makes it PII/PHI.

Reminder: You have an upcoming appointment with VA on August 16, 2017 at 0830 am. Please call 321-123-3213 to confirm your appointment or if you have any questions .

While date and time of an appointment is a Patient Identifier, it must be combined with where and what in order to be identifiable.

**Can a provider get an authorization from a Veteran to allow VA to send III and PHI through email**

No. Unfortunately, an authorization would not solve the problem as a Veteran cannot give permission for VA to ignore a security policy or requirement. Security policy states that VA sensitive personal information cannot be sent via email unless secured (e.g. encryption).

**Is there a difference in the security of messages on outlook when sending intra-agency vs. inter-agency?**

No. There is no difference in the security of sending messages on Outlook within your facility or outside your facility to another VA. Encryption requirements equally apply

**Is it acceptable to include PHI in the Outlook Calendar?**

No. Calendar controls were not designed to secure Personally Identifiable information or Protected Health Information. The security controls provided with Outlook calendars only allows for items that you do not wish to be displayed to other users through a shared Outlook calendar being marked as “Private” (using Microsoft Outlook “options” functionality setting). However, you can not rely on the Private feature to prevent others from accessing the details of the calendar items. Never use public electronic calendars, such as Google, MSN, AOL or Yahoo calendars, for VA business. Public electronic calendars are not VA-approved.

**Can employee information be sent using Outlook email?**

Yes. If it is the employee’s name only, then this is acceptable. If other information is included that would be considered individually identifiable, it must be encrypted.

**Can we share PHI in Microsoft Office Lync?**

VA employees may utilize MS Lync in the performance of their job duties knowing that there is a guaranteed end-to-end encryption, including the transfer of sensitive information (PII or PHI) if allowed by their organizational policy. When transferring VA sensitive information in a message, make sure automatic saving of messages in your Outlook conversation history folder is off (default setting), as these files are not encrypted in Microsoft Outlook.

Lyncshould not be used for communicating patient information that is required to be maintained within CPRS to preserve continuity of care. Lync is not part of a VA system of records. Never use a mobile phone’s text messaging feature to send VA sensitive information.

**If you put a hyperlink in an email message and the hyperlink leads you to a site that has sensitive information are you required to encrypt the message?** No. The message does not need encrypted if the link contains no III/PHI.  If the link is accessed, there should be appropriate safeguards to stop unauthorized people from gaining access to the information.

**Can VHA use email to communicate a program or benefit to Veteran(s) using email?**

Yes. Communications about a new VA program or VA benefit does not fall within the definition of “marketing” if there is no commercial component to the communication and as long as this email does not contain III or PHI. Care must be taken in communicating a benefit that is specific to a health condition, i.e. Cardiology, which may potentially infer that the Veteran has a specific cardiology health concern. There is no guarantee that the email used would only be seen by the Veteran, another individual, or other family members who share the same email account. Thus, this communication needs to be one-way.

If sending non-PII or PHI communication to more than one Veteran, there are various options available. A facility policy on emailing using one-way communication is recommended.

All communications must receive approval as designated within policy. It is recommended this person be the Privacy Officer or designee who can ensure no privacy information and/or marketing information is disclosed.

* Place a disclaimer within the email that this message is not secure and recipients should not reply back to the sender with any protected health information or individually identifiable information. Email should contain a facility contact telephone number. It is recommended this disclaimer be place at the very beginning of the email. Example of a disclaimer:

\*This email is provided for informational purposes only.  Please do not reply to this email directly.  Do not communicate any individually- identifying information or your protected health information via email as VHA will not reply back due to privacy concerns. Veterans are encouraged to use Secure Messaging that is available through MyHealtheVet. If you have any questions concerning this email, please contact <Insert Name and telephone number>.

* If the recipient does reply back to the sender and the message contains III or PHI, the sender may not reply back on this email but contact the recipient directly by mail or telephone.
* If you are not using mail merge which allows a separate email to be sent to each recipient, multiple email addresses must be placed in the Bcc (blind carbon copy) of the Outlook email as entry in the “to” or “cc” field within Outlook would be considered a privacy breach.
* The “to” recipient will be a VA email account, usually the same sender of this Veteran group email communication.

NOTE: The use of “NoReply&NoReplyAll” only works within the VA domain (va.gov).

**Dissemination:** Please share with program offices or facility departments you feel would benefit from this information.

Rescissions:

July 2010, May 2012, May 2014

If you have any questions please contact the VHA Privacy Issues Mail group or visit the [VHA Privacy Office Website](https://vaww.vets.vaco.portal.va.gov/sites/privacy/vhapo/Pages/default.aspx).