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| Confidential Information *A former Assistant Public Defender was suspended for 60 days for disclosing confidential client information on her blog*.[[1]](#footnote-1)  Confidential information is a broad term applied to client data for which unauthorized access or disclosure could result in an adverse effect. | Protected Information *A state Health Plan organization was sanctioned and fined for HIPAA violations when they did not delete health records from rented photocopiers*.[[2]](#footnote-2)  Protected information is highly sensitive information that is safeguarded by law or regulation. |

# Best Practices for Handling Protected Information

Working in a law firm, we handle all types of information, whether it is client data related to a matter, or internal information related to the workings of the firm. While law firm employees have always understood the importance of maintaining confidentiality, some types of information rise to a higher level of required protection as specified by a regulatory agency. These regulations typically dictate how protected information must be handled, and what obligations firms have to report the mishandling of such information. To help ensure protected information is handled in compliance with regulations, keep these best practices in mind:

1. Familiarize yourself with the firm’s policies and procedures related to the handling, storing, and securing of protected information. Ensure everyone involved in a matter involving protected information understands the difference between the information that is confidential and the information which requires a higher degree of care due to regulations.
2. Know who to contact with questions about the appropriate management of protected information, and for purposes of reporting the potential mishandling of protected information.
3. Understand the timeframes associated with reporting the possible mishandling of protected information. In some cases, such as a HIPAA data breach, there is a 60 day window to report a breach of protected information. In addition, know the pieces of information that are important to have available if a potential breach is reported.

It’s important to distinguish between confidential and protected information and to take the appropriate actions to safeguard data. In the case of a potential breach, know how to report the incident in a timely manner and to the appropriate individuals at your firm. Observing the necessary precautions will help to keep information safe.

1. Weiss, Debra Cassens. “Blogging Assistant Gets 60-Day Suspension for Posts on Little-Disguised Clients.” ABAJournal. May 26, 2010. http://www.abajournal.com/news/article/blogging\_assistant\_pd\_gets\_60-day\_suspension\_for\_posts\_on\_little-disguised\_/ [↑](#footnote-ref-1)
2. “HHS Settles with Health Plan in Photocopier Breach Case.” HHS.gov. Health Information Privacy. August 7, 2013. http://www.hhs.gov/ocr/privacy/hipaa/enforcement/examples/affinity-agreement.html [↑](#footnote-ref-2)