

**EMPLOYEE GROUP INSURANCE
TREATMENT OF PROTECTED HEALTH INFORMATION**

Section 8.4: Mitigation of Known Privacy Violations	Page: 1 of 1
Effective Date: April 14, 2003	

POLICY

EGI shall mitigate, to the extent practicable, any known harmful effects of Uses and Disclosures in violation of the HIPAA Privacy Standards or the Manual.

8.4(1) Mitigation of Known Privacy Violations.

- a. If EGI learns of a Use or Disclosure of PHI by Health Care Component staff or a Business Associate that is a violation of the HIPAA Privacy Standards or this Manual, EGI shall report such violation, and any other relevant facts, to the Privacy Officer. If EGI learns of a harmful effect of a Use or Disclosure of PHI by Health Care Component or a Business Associate, EGI shall report the effect, and any other relevant facts, to the Privacy Officer.
- b. Upon learning of a Use or Disclosure that is a violation, the Privacy Officer shall determine, in his or her discretion, whether any harmful effects might result, or have resulted, from the Use or Disclosure and whether EGI can practicably mitigate such harmful effects. The Privacy Officer shall work with EGI to mitigate, to the extent practicable, any known harmful effects of the applicable Use and Disclosure of PHI.
- c. To determine proper mitigation activities, the Privacy Officer may consider (i) to whom the PHI has been Disclosed; (ii) how the PHI might be used to cause harm; and (iii) what steps could actually have a mitigating effect with respect to the particular situation. Examples of potential mitigation activities include:
 - Taking operational and procedural corrective measures to remedy violations;
 - Notifying individuals who are able and appropriate to prevent harm;
 - Recommendation of sanctions against the person responsible for the privacy violation in accordance with Section 8.5 of this Manual; and
 - Incorporating a mitigation solution into the policies and procedures compiled in this Manual in accordance with Section 9.1 of this Manual.

8.4(2) Documentation of Mitigation Efforts.

EGI shall document its efforts to mitigate the harmful effects of a privacy violation. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

REFERENCES/CITATIONS

45 C.F.R. § 164.530(f)

65 Fed. Reg. at 82,562-63, 82,747-48 (Dec. 28, 2000)