



**DHA PRIVACY AND
CIVIL LIBERTIES OFFICE**



Protected Health Information (PHI)

Per 45 CFR § 160.103 (The Health Insurance Portability and Accountability (HIPAA) Privacy Rule):

Protected Health Information (PHI) means, individually identifiable health information that is: (i) Transmitted by electronic media; (ii) Maintained in electronic media; or (iii) Transmitted or maintained in any other form or medium.

DODM 6025.18 and DODI 6025.18 defines PHI as individually identifiable health information that is transmitted or maintained by electronic or any other form or medium. PHI excludes individually identifiable health information in employment records held by a DoD covered entity in its role as employer.

PHI excludes, individually identifiable health information: (i) In education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; (ii) In records described at 20 U.S.C. 1232g(a)(4)(B)(iv); (iii) In employment records held by a covered entity in its role as employer; and (iv) Regarding a person who has been deceased for more than 50 years. Additionally, DODM 6025.18 and DODI 6025.18 excludes information that has been de-identified in accordance with the HIPAA Privacy Rule.

Individually Identifiable Health Information is information that is a subset of health information, including demographic information collected from an individual, and: (1) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and (i) That identifies the individual; or (ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

DODM 6025.18 defines Individually Identifiable Health Information as Information that is a subset of health information, including demographic information collected from an individual, and: (1) Is created or received by a health care provider, health plan, or employer; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

45 CFR § 160.103 defines Health information as any information, including genetic information, whether oral or recorded in any form or medium, that: (1) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.



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DODM 6025.18 defines Health information as any information, including genetic information, in any form or medium, that: (1) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, or school or university; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

Examples of PHI can include:

- Names
- All elements of dates other than year directly related to an individual, including birth dates
- All geographic subdivisions smaller than a state, except for the initial three digits of a zip code
- Telephone numbers
- Fax numbers
- Electronic mail addresses
- Social security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate/license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers
- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full face photographic images and any comparable images
- Any other unique identifying number, characteristic, or code



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References

- (a) Code of Federal Regulations, Title 45, Part 160, Health Insurance Portability and Accountability Privacy Rule
- (b) DoD Manual 6025.18, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs," March 13, 2019
- (c) DoD Instruction 6025.18, "Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance In DoD Health Care Programs," March 13, 2019