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| MOUNT SINAI NEW YORK POLICIES AND PROCEDURES | SUBJECT NO. H- 41 |
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| DEPARTMENT : ARCHIVES | |
| SUBJECT : GENERAL ARCHIVE ACCESS | |

Original Date of Issue: April 20, 2005

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| Reviewed: | | | | | | | |
| Revised: | | | | | | | |

RELEVANT PROCEDURES: Confidentiality of the medical record (A4-104), Uses of Disclosures of PHI (MI-2), Uses and Disclosures for Research (M.I.-6.2), Exclusions From IRB Waiver (M.I.6.2B).

POLICY:

1. The Archives of the Mount Sinai Medical Center is committed to making research materials available to users on equal terms of access. This is in accordance with the standard professional policy on access adopted jointly by the Society of American Archivists and the American Library Association.
2. Equal access does not mean that all materials are open to research use. It is the responsibility of the Mount Sinai Medical Center Archives to balance the researcher's needs for access with the needs for confidentiality of the persons and the institutions whose activities are reflected here. Consequently, the use of some material in the Archives is subject to restrictions.
3. Two types of restrictions exist. Restrictions on access to more than one group of materials are termed "general restrictions." They are applicable to particular kinds of information or designated classes of materials, wherever they may be found in the holdings. The other kind of restriction is known as "specific restrictions." These are restrictions specified by the transferring office or donor and apply to a specific body of material, sometimes for a specific length of time. Information about specific restrictions will be found in the accessioning file that covers the body of materials to which the specific restriction applies.
4. The following is a list of the general access restrictions that are applied to materials held by the Archives of the Mount Sinai Medical Center:
 - A. Materials containing information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or libel of a living person and which personal information is not known to have been previously made public. (The restrictions on access to materials containing Protected Health Information and related to medical and psychiatric treatment are outlined in a separate policy, Access to Protected Health Information.)

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- B. Restrictions: Such records may be disclosed only:
- 1) to Mount Sinai staff working in the Mount Sinai Archives in the performance of normal archival work on such materials.
 - 2) to the individual named in the record or his authorized representative, provided that access will not be granted if the records are restricted pursuant to any other general or specific restrictions.
 - 3) to those officers and employees of the agency of origin or its successor in function who have a need for the record in the performance of their official duties.
 - 4) to the Donor of the material or to the Donor's designee, pursuant to the Donor's deed of gift.
 - 5) to researchers for the purpose of statistical research when such researchers have provided the Archives with written assurance that the information will be used solely for statistical research or reporting and that no individually identifiable information will be disclosed.

- C. Materials containing confidential employment or personnel information on appointment, employment, performance evaluation, disciplinary action, and similar personnel matters.

Restrictions: Such information may be disclosed only:

- 1) if the information is a summary statement, or
- 2) if the information does not identify particular individuals, or
- 3) if the individual or his legal representative agrees to its release, or
- 4) if the individual is deceased or the passage of time is such that the individual may be presumed dead.

- D. Materials containing information related to or compiled during an investigation of individuals or organizations.

Restrictions: Such information may be disclosed only:

- 1) if the release of the information does not interfere with ongoing litigation or similar proceedings;
- 2) if confidential sources and information are not revealed;
- 3) if confidential investigative techniques are not described;
- 4) if the passage of time is such that the safety of persons is not endangered, and the public interest in disclosure outweighs the continued need for confidentiality.

- E. Materials containing information, the access to which is restricted by statute, regulation, executive order, or court order.

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Restrictions: Such information may be disclosed only in accordance with the provisions of such statute, regulation, executive order, or court order.