

<b>MOUNT SINAI NEW YORK POLICIES AND PROCEDURES</b>	<b>SUBJECT NO.</b> H - 42
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<b>DEPARTMENT: ARCHIVES</b>	
<b>SUBJECT: ACCESS TO PHI IN ARCHIVES</b>	

Original Date of Issue: April 20, 2005

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), General Archive Access (H-41).

**POLICY**

1. 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. Access to records containing Protected Health Information (PHI) is governed by the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA). The Privacy Rule establishes the conditions under which records containing PHI may be used or disclosed for research purposes.
  
2. Access may be obtained to records in the Mount Sinai Archives that contain PHI with the following guidelines:
  - A. MSMC workforce:
    - 1) May access unredacted files subject to waiver of IRB
    - 2) May not document any identifiable information (including the 19 identifiers specified in HIPAA) unless part of an IRB approved project
  
  - B. Outside researchers using non-patient records:
    - 1) Must sign an Access Agreement form
  
  - C. Outside researchers using patient records:
    - 1) Must sign an Access Agreement form
    - 2) Must obtain a Waiver of Authorization from the Mount Sinai IRB. A meeting with the Privacy Officer to facilitate this will be scheduled
  
3. Identifiable photographic images in the Archives may be reproduced if there is a signed consent form on file or it can be presumed that a signed consent was obtained at the time.

DRAFT

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4. In all cases it is required that the researcher will refrain from copying PHI to the extent possible to successfully conduct the research project and that any research notes containing PHI will be destroyed at the end of the project.

TOOLS: Archive Access Agreement Form (MR-255)