

Columbia County Health System		
Administration		Ref. No.: 1273
Effective Date: 11/11/2019		Subject
Approval: Shane McGuire (CEO)		Columbia County Public Hospital District #1 Public Records Act Policy for Electronic Records
		<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Protocol

PURPOSE:

Public Hospital Districts are required by State and Federal laws to protect all patients’ Health Care Information from disclosure. Public Hospital Districts are also subject to the Public Records Act, which makes almost all of its records, including patient records, public records. The purpose of the Public Records Act is “to allow public scrutiny of government, rather than to promote scrutiny of particular individuals who are unrelated to any government operations.” *Tacoma Public Library v. Woessner*, 90 Wn. App. 205, 218 (199). The Federal and State privacy mandates require that certain information in these public records be redacted before disclosed. This mandate is consistent with the Public Records Act, which provides, “To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter an agency shall delete identifying details RCW 42.56.070(1).

Electronic records pose a special challenge for Public Hospital Districts responding to public records requests. Electronic records, like paper records, can be “public records” subject to the Public Records Act, but it is not always feasible to redact exempt information from electronic records when the records are still in their Native Electronic Format. Thus, to ensure patient privacy, it will sometimes be necessary to either print the record out and redact it by hand, or convert the record into an electronic format that can be electronically redacted.

Columbia County Public Hospital District #1 has adopted a general public records policy, policy No. 1255 and incorporated herein by this reference. This electronic records policy is in addition to the general public records policy

DEFINITIONS

- a. **“Native Electronic Format”** means the electronic format an electronic record originally exists as. For example a Word document’s native formation would have the “.doc” extension.
- b. **“Health Care Information”** means “individually identifiable health information” as defined in 42 U.S.C. 1320d(6) and any information “that identifies or can readily be associated with the identity of a patient and directly relates to the patient’s health care” under RCW 70.02.010.
- c. **“Quality Improvement Information”** means information and documents created specifically for, and collected and maintained by a quality improvement committee



under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040.

- d. **“Exempt information”** means any information that may be redacted pursuant to the Public Records Act, including but not limited to Health Care Information and Quality Improvement Information.
- e. **“Electronically redact”** means redacting information from electronic records in such a way that the exempt information is permanently removed from the record and cannot be in anyway recovered.
- f. **“Metadata”** is data about data. It is typically generated by programs that create electronic documents, and is attached as part of that document as hidden text. It includes information describing aspects of actual data items, such as name of the author, formatting, content, editing history, and origins of the document. It can be displayed through tools in the program that created the document.
- g. **“Reasonably locatable”** means an electronic record that can be located with typical search features and organizing methods contained in the Public Hospital District’s current software

REQUESTS

Requests for electronic records.

Non-exempt reasonably locatable electronic records are subject to disclosure.

- a. If the requestor has requested an electronic record but has not specified any particular format, the Public Hospital District may produce the record in paper format with any necessary redactions. If a requestor requests a copy in electronic format, the records shall be burnt onto a compact disc or other available medium. If the requestor requests to review the record or has requested a copy but lacks the necessary software to review the record in electronic form, the Public Hospital District may make a computer available to allow the requestor to review the record electronically.
- b. If the requestor has requested an electronic record in electronic format that does not contain any exempt information, then the records shall be produced as specified in Section 1 below
- c. If the requestor has requested an electronic record in electronic format that contains exempt information, then the records shall be produced with the exempt information redacted as specified in Section 2 below.

1. Electronic records containing no exempt information.

Electronic records that do not contain exempt information (including in any metadata) shall be produced in their Native Electronic Format if requested in that format.



2. Electronic records containing exempt information.

- a. **Records.** When a record contains exempt information, the exempt information shall be redacted before the record is produced. Redactions may be made by either printing the record and redacting exempt information by hand or converting the record into an electronic format that can be electronically redacted and electronically redacting the exempt information. Alternatively, if the requestor wants the record in its native electronic format, then the Public Hospital District shall treat the request as seeking customized access, to be handled in the manner described in Section 6 above.
- b. **Databases.** If the Public Hospital District can generate a report from the database with the requested non-exempt information through the standard process it uses for creating reports from this database, then the Public Hospital District shall generate a report with the specified information and handle the request as it would any request for an electronic record not containing exempt information, pursuant to Section 1 above. If the request requires additional steps, then the Public Hospital District shall treat the request as seeking customized access, to be handled in the manner described in the Section 3 below.

3. Customized Access.

- a. **Creating a new record.** When a requestor seeks an electronic record in its native format that contains exempt information, the Public Hospital District “redact” the exempt information by creating a new record in the native format without the exempt information, provided that the requestor agrees to pay for the costs of this customized access, as described in Section 4 below. The Public Hospital District may also choose to create a new record as the most cost-effective way to redact information, provided that the requestor consents.
- b. **Computer programming.** If the requestor seeks information from a database that requires additional programming to generate a report with the requested information, the Public Hospital District may provide this customized access, provided that the Public Hospital District possesses the technological capability to do such programming and provided that the requestor agrees to pay for the costs of this customized access. If a requestor seeks access to the actual database itself and additional programming is required to allow this access or to insure the requestor cannot access exempt information, the Public Hospital District may provide this customized access, provided that the Public Hospital District possesses the technological capability to do such programming and provided that the requestor agrees to pay for the costs of this customized access, as described in Section 4 below. Under no circumstances shall a requestor be given access to a database if it is not possible to protect Health Care Information, Quality Improvement Information or other exempt information.



- c. **Metadata.** If a requestor seeks metadata from a record that contains Health Care Information, Quality Improvement Information or other exempt information and the Public Hospital District possesses the technological capability, the Public Hospital District may provide a report containing that metadata with all Health Care Information, Quality Improvement Information or other exempt information redacted.

4. Costs.

- a. **Costs for customizing access.** Customizing access requires specialized knowledge and skills in computer programming. As part of the copying costs, a Public Hospital District may charge for the costs of customizing access, at a rate of \$15.00 per hour, which reflects the hourly rate paid Public Hospital District information technology staff. The Public Hospital District may collect a deposit of up to 10% of the projected cost before creating customized access.
- b. **Costs for records in electronic format.** When native files are burned onto a CD, the requestor shall be charged \$1.00 per CD. When records are scanned from paper to .pdf, the requestor shall be charged \$0.10 per page plus \$1.00 per CD. When records are directly converted from their native format to .pdf without printing, the requestor shall be charged \$0.05 per page, plus \$1.00 per CD.