Office of the Commissioner
HIPAA: Security of Portable Devices

Policy #: DHHS-05-14
Issue Date: 04/15/14
Revised Date: 12/14/18

I. SUBJECT
HIPAA: Security of Portable Devices

II. POLICY STATEMENT
The Department of Health and Human Services (the Department) takes seriously the risks to protected health information (PHI) and confidential consumer information in any format (together “Protected Information” or “PI”). The Department recognizes the high risk to electronic, digital or non-paper based PI (ePI) or other confidential information that is used, disclosed, accessed, stored, maintained, transmitted or otherwise moved or moveable via a portable electronic device. It is the policy of the Department to make reasonable efforts to lessen the risk to such information located on portable devices, including computers or electronic information storage items, through the procedure set forth in this policy.

This policy applies regardless of (A) whether or not the Department owns or purchased the portable device and (B) whether on or off-site. Examples of portable devices may include computers, such as laptops and tablets, CDs; discs, memory sticks, MP3 players; smart phones, storage devices, and "thumb/USB/flash drives." As technology continues to change and progress, this policy will apply to other devices that may be used to access, store, transmit, maintain or otherwise hold or move ePI or other confidential information of the Department.

III. RATIONALE
Portable devices are at great risk of loss, theft and unauthorized access to the Department’s ePHI and other electronically stored information. This policy is implemented to document the Department approved practices regarding portable devices in an effort to avert the risk to our PI, which we are required by law to protect. A violation of this policy could result in a high-profile breach requiring notifications, including to individuals, federal and state regulators, broadcast and print media, and consumer reporting entities, as well as extensive legal and regulatory enforcement against the Department.

IV. PROCEDURE STATEMENT
Portable Device Procedure:

A. Inventory - Each office, in partnership with the Office of Information Technology (OIT), shall, as necessary, make available to staff appropriately encrypted or encryptable portable devices for storing or transferring ePHI or other confidential consumer information. The use of unencrypted portable devices to download, copy, carry, transmit, store or otherwise transfer ePHI or other confidential information of the Department is prohibited.
B. **Encryption** - Only those portable devices that meet appropriate and OIT approved encryption standards may be used to maintain, hold, transport, access or transmit ePHI for DHHS purposes.

C. **Safeguarding/Locking** - Portable devices must be kept in a locked or secured location when not in use, whether working in the office or off-site (if off-site work with ePI is permitted by DHHS policy and the office Director).

D. **Reporting** - Any loss, theft, or actual or suspected misuse of a portable device containing ePI of any office shall be reported immediately to the office Privacy/Security Liaison and/or the Director of Healthcare Privacy. Where possible, communication service to electronic devices such as smartphones will be immediately terminated and remote wiping capability implemented.

E. **Compliance** - Our workforce members will comply with this and other privacy and security policies in support of our compliance efforts. Failure to comply with this or other privacy and security policies will result in application of our Privacy and Security Sanctions Policy.

V. **DEFINITIONS**

**Protected Health Information** (PHI) is information about a patient, including demographic information that may identify a patient, which relates to the patient's past, present or future physical or mental health or condition, related health care services or payment for such services.

**Electronic Protected Health Information** (ePHI) is PHI that is stored, maintained, accessed, acquired, used, disclosed or transmitted via electronic or digital means.

VI. **DISTRIBUTION**

All Staff via e-mail and posting on the DHHS Intranet.

December 14, 2018  
Date  

Bethany Hamm  
Acting Commissioner