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Centers for Disease Control  
and Prevention (CDC)  
Atlanta GA 30333  
December 19, 2002

To Whom it May Concern:

The Centers for Disease Control and Prevention ("CDC") is an agency of the U.S. Department of Health and Human Services and is a public health authority as defined by the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information; Final Rule ("Privacy Rule")(45 CFR §164.501). Pursuant to §164.512(b) of the Privacy Rule (45 CFR §164.512(b)), covered entities may disclose protected health information to public health authorities "...authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions..." The definition of public health authority includes "...a person or entity acting under a grant of authority from or contract with such public agency..." (45 CFR §164.501).

The American Association of Poison Control Centers ("AAPCC") is acting under a cooperative agreement with CDC to conduct the Toxic Exposure Surveillance System ("TESS"). Through this mechanism, CDC has provided the AAPCC with a grant of authority to conduct this activity and thus function as a public health authority to whom covered entities may disclose protected health information for this purpose.

TESS is a public health activity, specifically public health surveillance as described by § 164.512(b) referenced above, and is authorized by the Public Health Service Act, 42 U.S.C. sections 241, 247b, 280b-1, and 280b-2. The information being requested represents the minimum necessary to carry out the public health purposes of this project consistent with §164.514(d) of the Privacy Rule (45 CFR §164.514(d)). The Privacy Rule specifies that covered entities "...may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purposes when: (A) Making disclosures to public officials that are permitted under §164.512, if the public official represents that the information requested is the minimum necessary for the stated purposes(s)".

If you have questions or concerns please contact: Sal Lucido, Privacy Rule Coordinator at (404) 639-2219 and Dennis Christianson, Deputy Chief, Health Studies Branch at (404) 498-1340.

Sincerely,

Michael McGeehin, Ph.D.  
Director  
Division of Environmental Hazards  
and Health Effects  
National Center for Environmental Health  
Centers for Disease Control and Prevention