



HEALTHCARE INFORMATION

Health Care Information

“Health care information” is exempt pursuant to RCW 70.02, RCW 42.56.360 (2).

Health care information includes two components. It must identify a patient and DIRECTLY relate to a patient’s health care.

Health Care Information

- ❖ If HCI can be deidentified it can be released.
- ❖ RCW 70.02 creates a de-identification standard: "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

RCW 70.02 does not explain how to implement the standard.

- ❖ There isn't a clear court-created implementation process. It is up to a court to use its "independent judgment" to decide what information must be removed so HCI is "de-identified."

Health Care Information

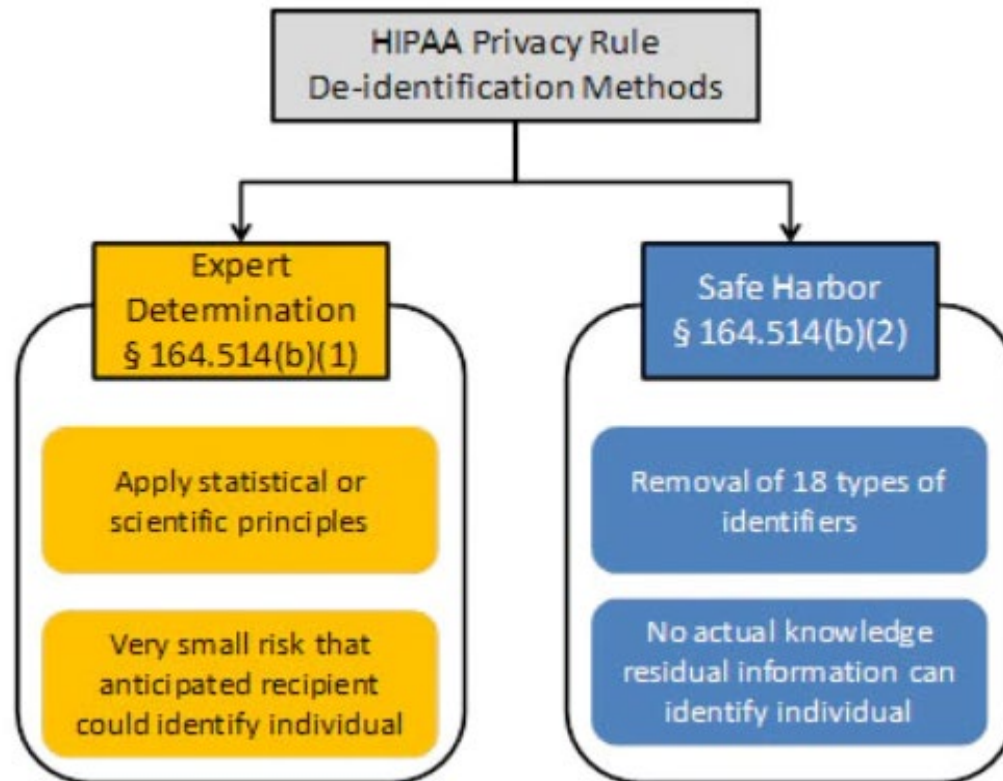
We recently chose to use the HIPAA Safe Harbor Deidentification Standard which is found in the Code of Federal Regulations:

[*45 CFR 164.514 \(up to date as of 4-23-2025\).pdf](#)

Health care information is considered de-identified and subject to disclosure if it does not identify a patient (direct identifiers) and is not readily associable with a patient's identity once the patient's name is redacted (indirect identifiers).

The code lists 18 identifiers of the individual or of relatives, employers, or household members of the individual, that should be removed.

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DOH routinely obtains health care information while carrying out its public health duties, surveillance and oversight.

Crucial questions we ask:

1. Where did the record come from? From the individual (which are self-disclosed records) or from a healthcare provider?

Records from a provider are protected from release under RCW 70.02.050 (2) which states in part, disclosure of health care information obtained under this section are exempt from public inspection and copying.

Health Care Information

2. What information would be personally identifiable information (PII) that would be identifiable to a patient or person?

What are some of the indirect identifiers that, when coupled with other information, could reidentify a patient or person?

- * Names
- * All elements of dates (except year) directly related to an individual
- * Geographic information of sparsely populated areas
- * Email addresses
- * Telephone numbers or Fax numbers
- * Social Security numbers
- * Medical records identifier numbers
- * Health plan beneficiary numbers
- * Biometric identifiers – including finger and voice prints

Health Care Information

Sunshine Committee Exemptions - [Public Disclosure Exemptions 2024.pdf](#)

Subject	RCW	Description	Date Enacted
Health care	42.56.360(1)(a)	Records and information supplied by drug manufacturers to the pharmacy quality assurance commission	1989, 2013
	42.56.360(1)(b)	Pharmaceutical manufacturer information obtained by the pharmacy quality assurance commission	1989, 2013
	42.56.360(1)(c)	42.56.360(1)(c) Information and documents created, collected, and maintained by the Health Care Services Quality Improvement Program and Medical Malpractice Prevention Program	1995
	42.56.360(1)(d)	42.56.360(1)(d) Proprietary financial and commercial information provided to Dept. of Health relating to an antitrust exemption	1997
	42.56.360(1)(e)	42.56.360(1)(e) Physicians in the impaired physicians program	1987, 1994, 2001
	42.56.360 (1)(f)	Complaints filed under the Health Care Professions Uniform Disciplinary Act	1997
	42.56.360(1)(g)	Information obtained by DOH under RCW 70.225 RCW, prescription monitoring program	2007
	42.56.360(1)(h)	Information collected by the department of health under chapter 70.245 RCW	2009
	42.56.360(1)(i)	Cardiac stroke system performance data	2010
	42.56.360(1)(j)	All documents pertaining to a wellness program under RCW 41.04.362, except for statistical reports that do not identify an individual	2010
	42.56.360(1)(k)	Claims data and information provided to the statewide all-payer health care claims database and the database that is exempt from disclosure under RCW 43.371.040	2014
	42.56.360(1)(l), 41.04.830	Medical information about members of retirement plans	2020
	42.56.360(2)	Health care information disclosed to a health care provider without patient's permission	1991
	42.56.360(3)(a)	Documents relating to infant mortality reviews	1992
	42.56.360(4)	Information relating to maternal mortality reviews pursuant to RCW 70.54.450	2016
	42.56.360(5), 71.24.847(3)	Patient health care information contained in certain reports by behavioral health agencies providing substance use disorder treatment services or withdrawal management services	2024
	70.390.030(7)	Health care information held by the Health Care Cost Transparency Board that could identify a patient	2020

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DOH – some specific exemptions

Chapter 70.02 RCW – Medical Records

RCW 43.70.050(2) – Collection, use, and accessibility of health-related data

RCW 42.56.360 – Health Care

RCW 42.56.365 – Vital Records

RCW 70.56.050 – Adverse Health Events Notifications and Reports

RCW 42.56.350 – Health Professionals (personal information)

RCW 43.70.075 – Identity of a whistleblower

RCW 70.41.150 – Identity of individuals named in Hospital Surveys & Investigations

RCW 68.50.105 – Autopsies and Postmortems

RCW 42.56.360 and 70.245.150 – Death with Dignity records

There are other exemptions that DOH also uses to protect things like mental health records, STD records, substance use disorder, etc.

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