



National Committee on Vital and Health Statistics  
Advising the HHS Secretary on National Health Information Policy

# **NCVHS Subcommittee on Privacy, Confidentiality and Security**

**December 7, 2022**

# Building on Past Work



**2022:** Recommendations regarding Privacy, Confidentiality, and Security Considerations for Data Collection and Use During a Public Health Emergency

**2022:** Recommendations to Strengthen Cybersecurity in Healthcare

**2019:** Health Information Privacy Beyond HIPAA: A Framework for Use and Protection – A Report for Policy Makers

**2019:** Recommendations for HHS Actions to Improve Privacy Protection for Health Information not Subject to HIPAA Regulations

**2017:** De-identification of Protected Health Information under HIPAA

# For Discussion: Building on Past Work-2022 Areas of Focus



## PCS Project Development

Panel sessions on **legislative developments in data privacy** at July full Committee meeting:

- Kristin Cohen, JD, Acting Associate Director of the Division of Privacy and Identity Protection, Federal Trade Commission
- Stacey Gray, JD, Director of Legislative Research and Analysis, Future of Privacy Forum
- Lauren Riplinger, JD, Vice President, Policy and Management Association Government Affairs, American Health Information Management Association
- Cobun Zweifel-Keegan, JD, Managing Director, International Association of Privacy Professionals

# For Discussion: Building on Past Work-2022 Areas of Focus



## PCS Project Development

Engaged Cason Schmit, JD, Assistant Professor, Department of Health Policy and Management, School of Public Health, Texas A&M University, to develop and deliver an environmental scan:

- Objectives of environmental scan:  
Identify and analyze those current health and healthcare data governance operations and issues that enhance, serve as challenges, or need updating in the areas of data protection, confidentiality (de-identification, etc.) privacy, and security of health data and many more.

# For Discussion: Building on Past Work-2022 Areas of Focus



## PCS Project Development

Objectives of environmental scan cont'd:

- Identify experts within and external to government to share PCS expertise in health and healthcare data to assist PCS and the full Committee on issues that surface from the Environmental Scan
- Outline issues for full Committee consideration and deliberation to support next steps

# For Discussion: Building on Past Work-2022 Areas of Focus



## PCS Project Development

- Consider input from July FC meeting and environmental scan and discussion
- Scoping issues may include:
  - De-identification (possibly re-visit the 2017 NCVHS recommendations on deidentification)
  - Artificial intelligence (AI) and machine learning (ML) Tools (algorithm impact assessments, algorithm transparency standards, etc.)
  - Law enforcement access to and use of private information (duties of data minimization or purpose limitation, etc.)
  - Consumer surveillance and data security (FTC, group harm considerations, etc.)
  - How HIPAA interacts with broader privacy laws under consideration
  - Availability of data for public health purposes
- Outreach with OCR for periodic check-in discussions

# For Discussion: Building on Past Work-2022 Areas of Focus



## PCS Security Project

- Panel session on current Issues in Cybersecurity at July full Committee meeting:
  - Greg Garcia, Executive Director, Cybersecurity, Health Sector Coordinating Council
  - Andrea Matwyshyn, JD, PhD, Professor of Law and Engineering Policy, Pennsylvania State University
  - Reuven Pasternak, MD, MPH, MBA, Senior Advisor, National Risk Management Center (NRMCC), Cybersecurity and Infrastructure Security Agency (CISA)
  - Linda Ricci, MME, MPH, Director, Division of All Hazard Response, Science and Strategic Partnerships, Food and Drug Administration

# For Discussion: Building on Past Work-2022 Areas of Focus

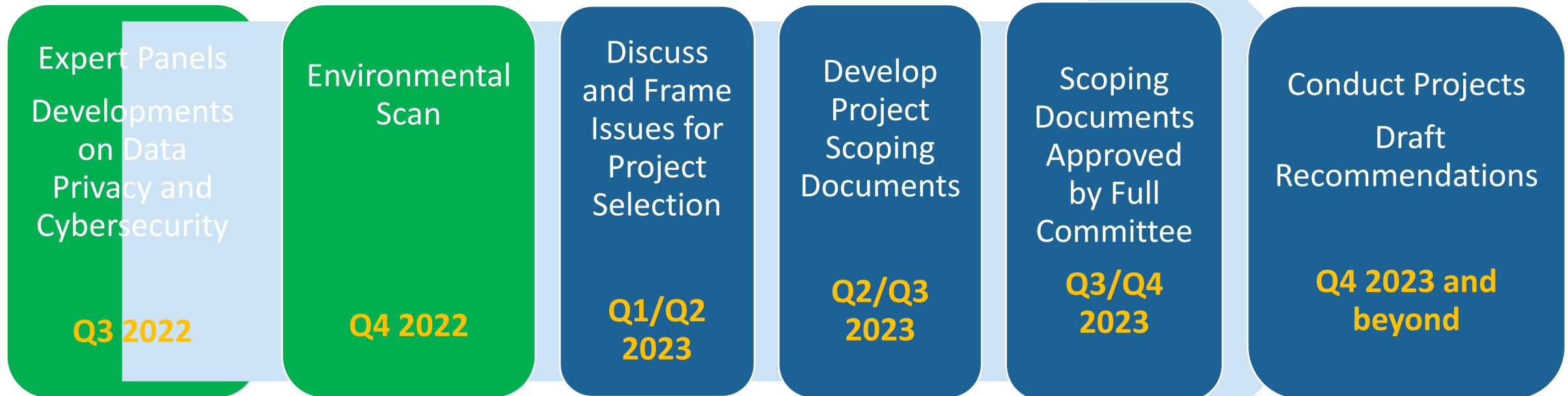


## PCS Security Project

- Identify issues needing follow-up
- Scoping Issues could include:
  - Embracing cybersecurity in the healthcare industry (impact of cyber attacks on health care systems and healthcare institutions)
  - Security principles and safety for patient and consumers of health-related devices, medical devices, and those with additional medical functionality
  - Education and training of workforce on cybersecurity
  - Cybersecurity flaws that lead to unavailability of data, devices, and systems.



# Our Journey: Past, Present, Anticipated Future



# Other Potential Topics for Future Consideration



1. Unexpected or unintended consequences of interoperability rules involving HIPAA-covered entities that transfer data to non-HIPAA covered entities
2. Artificial intelligence/Machine learning
3. Standards for terms of service of health apps
4. Privacy and security issues involving genomic data
5. Research agenda on de-identification
6. Data use and service agreements for wearables, mobile health
7. Impact of changes in privacy, confidentiality, and security on data access



National Committee on Vital and Health Statistics  
Advising the HHS Secretary on National Health Information Policy

## Questions & Discussion