Privacy & Security Updates

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Privacy rules apply to social networking sites

Have you shared the details of a tough day at work on Facebook? If you work in healthcare, think twice. Two patients in Pennsylvania changed doctors and filed a complaint with the Department of Health & Human Services alleging a HIPAA violation when they recognized themselves in a clinic employee’s MySpace posts.

The HIPAA Privacy Rule generally prevents health care employees from sharing medical information when “there is a reasonable basis to believe the information can be used to identify the individual.” These rules apply just as much in social media settings as they do in a hospital, clinic or skilled nursing facility.

Employees' views on social networking

So why do employees post things on social networking sites that they would never disclose at work? Part of the problem may be the way social networking blurs the line between public and private. According to a Deloitte study, 53% of employees surveyed believe that “social networking pages are none of an employer’s business.” Twenty-seven percent of employees surveyed don’t consider the ethical consequences of posting comments, photos or videos online.

HIPAA applies to you, not the computer you use

You may think you are in the privacy of your own home, but if you are posting protected health information online, that could constitute a “disclosure” under the HIPAA Privacy Rule. The results can include fines, criminal penalties, patient notifications and loss of employment.

The fact is that when it comes to patient information, the same rules apply in social networking contexts as they do on the job. Just as you wouldn’t leave a patient medical record unsecured and open to view, you should not post information that might identify an individual as a patient or reveal protected health information about them.