



Access to Protected Health Information Policy

August 24, 2026

SCOPE

This policy applies to Florida Atlantic University's Covered Components and those working on behalf of the Covered Components (collectively "FAU") for purposes of complying with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), including applicable amendments and requirements established under the Health Information Technology for Economic and Clinical Health (HITECH) Act.

POLICY STATEMENT

FAU shall afford individuals the right to access, inspect, and obtain a copy of their Protected Health Information ("PHI") in a Designated Record Set, in accordance with the provisions of the HIPAA Privacy Rule.

REASON FOR POLICY

To ensure that FAU provides individuals timely and appropriate access to their Protected Health Information (PHI) through consistent procedures that support the HIPAA Privacy Rule and other FAU policies.

DEFINITIONS

Chief Compliance Officer – The designated university official responsible for administering and enforcing procedures related to individual access to PHI, including reviewing and resolving access requests, issuing determinations on denials, approving extensions, and ensuring compliance with applicable regulations.

Designated Record Set – A group of records maintained by or for a Covered Component that is used to make decisions about an individual and includes, but is not limited to, medical records, billing records, and other records related to the individual.

Personal Representative – An individual authorized by law to act on behalf of a patient with respect to decisions related to health care and access to Protected Health Information.

Covered Component's Privacy Officer – The individual designated by a Covered Component to administer and coordinate processes related to the access, use, and disclosure of PHI. This role includes receiving and responding to access requests, ensuring compliance with HIPAA and FAU policies, and escalating matters to the Chief Compliance Officer as necessary.

RELATED POLICES

HIPAA Policy - Use and Disclosure of Protected Health Information

PROCEDURE

1.

Request for Access and/or Copying PHI

An individual (or their Personal Representative) seeking to access and/or obtain a copy of their PHI contained within a Designated Record Set must submit a written request to the privacy officer of the applicable Covered Component, as outlined in the component's Notice of Privacy Practices. Request forms may be obtained from the Covered Component's privacy officer or through FAU's HIPAA website. Prior to granting access, the Covered Component must require verification of: (1) the identity of the requester; (2) the authority of a personal representative; and (3) documentation supporting guardianship, power of attorney, or similar legal authority.

The designated Privacy Officer of the applicable Covered Component shall respond to the request within thirty (30) days of receipt. If the Covered Component is unable to respond within this timeframe, the designated privacy officer may extend the deadline once for no more than thirty (30) additional days by providing the individual with a written statement of the reason for the delay and the date by which the request will be completed.

If the Covered Component does not maintain the requested PHI but knows where the information can be obtained, the designated privacy officer shall notify the individual of where to direct the request.

The Privacy Officer may consult with or escalate to the Chief Compliance Officer, as appropriate.

2. **Granting Access**

If access is granted, the designated privacy officer shall provide the individual with timely access to the requested records in the form and format requested, if readily producible in such form and format, including the opportunity to inspect and obtain copies of the records at a convenient time and place. In lieu of providing full access, the designated privacy officer may provide a summary of the requested information or an explanation of the PHI, provided that the individual agrees in advance to such summary or explanation.

If an individual's request for access to PHI directs the Covered Component to transmit the copy of PHI directly to another person designated by the individual, the Covered Component is to provide the copy to the person designated by the individual. The individual's request must be in writing, signed by the individual, and clearly identify the designated person and where to send the copy of PHI.

If the Protected Health Information (PHI) is maintained electronically and the individual requests an electronic copy, access shall be provided in the electronic form and format requested, if readily producible, or in an alternative readable format agreed upon by the Covered Component and the individual. PHI transmitted using electronic media, including email, may be handled in accordance with appropriate safeguards to protect the confidentiality of the information. When applicable, the Covered Component will document the individual's acknowledgment of risks when PHI is provided in a format that does not include encryption or other security controls. The Covered Component may also mail a copy of the PHI to the individual upon request.

Fees may be imposed for copies, summaries, or explanations of PHI. Any fees must be reasonable and cost-based, and may include only the cost of copying, including supplies, labor; and/or postage. Any fee shall comply with 45 C.F.R. § 164.524(c)(4) and shall be limited to permissible labor costs for copying, supplies, postage, and preparation of an agreed summary or explanation, where applicable.

3. **Denying Access.**

If the Covered Component denies access, in whole or in part, to PHI, it must provide the patient with a written denial which includes: (a) the basis for the denial. (b) a statement of the individual's right to have the denial reviewed and how such right may be exercised. and (c) a description of how the individual can file a complaint with FAU and the Secretary of Health and Human Services. The description must include the name (or title) and telephone number of the person or office responsible for receiving complaints.

The individual or their Personal Representative may then request a review of the denial, if said denial meets the criteria for allowed review. The individual or individual's Personal Representative can have the denial reviewed by a licensed healthcare professional chosen by FAU who was not involved in the original denial. That individual must determine, within a reasonable period of time, whether the denial was proper and provide written notice of the determination to the requestor.

- a. **Reviewable grounds for denial** - The Privacy Officer may deny access for the following reasons but must give the individual a chance to seek a review of the denial:
 - i. A licensed healthcare professional has determined that access is reasonably likely to endanger the life or physical safety of the patient or another individual;
 - ii. When the PHI sought refers to another person, and a licensed healthcare professional determines that access is likely to cause substantial harm to that person; or
 - iii. When the request for access is made by a Personal Representative and a licensed healthcare professional determines that providing access to the

representative is likely to cause substantial harm to the patient or another person.

- b. Unreviewable grounds for denial - An individual or their Personal Representative has no right to access the following information, and the Privacy Officer does not have to provide the individual with the opportunity for review:
 - i. Psychotherapy notes;
 - ii. Information compiled in anticipation of civil, criminal, or an administrative action or proceeding; or
 - iii. PHI that was obtained from another person (other than a health care provider) under a promise of confidentiality and granting access would reasonably likely reveal the source's identity.

4. **Documentation**

The Covered Component will document and retain (a) the records that are subject to access and (b) the title of the person or office responsible for receiving and processing the request for access for six (6) years.