



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

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**OFFICE OF THE SECRETARY**

Office for Civil Rights, Region V  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601

February 23, 2015

(b)(6);(b)(7)(C)

Planned Parenthood  
of Southwest Ohio  
2314 Auburn Ave.  
Cincinnati, OH 45219

Re: Planned Parenthood of Southwest Ohio Breach  
OCR Transaction Number: 15-203300

Dear (b)(6);(b)(7)(C)

Please be advised that, on February 5, 2015, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) received a breach notification report, required by 45 C.F.R. § 164.408, from Planned Parenthood of Southwest Ohio (PPSWO). Based on this breach notification report, OCR is investigating whether PPSWO is in compliance with the applicable Federal Standards for Privacy of Individually Identifiable Health Information and/or the Security Standards for the Protection of Electronic Protected Health Information (45 C.F.R. Parts 160 and 164, Subparts A, C, and E, the Privacy and Security Rules), and the Breach Notification Rule (45 C.F.R. Parts 160 and 164, Subpart D).

The breach notification report indicates that, on October 1, 2014, PPSWO's storage location for its archiving prescription logs and waived lab test logs was left unlocked after business hours. According to PPSWO, a custodian mistakenly put these logs in a trash bag and then in the dumpster. The following morning, the dumpster was emptied by the trash collector who took it to be buried with other garbage at the landfill that same day. The information contained in the logs included names, dates of birth, lab results, and medications. This breach affected approximately 5,000 individuals. The information reported by PPSWO indicates potential violations of 45 C.F.R. §§ 164.502(a), 164.530(c), 164.404(a), 164.406(a), and 164.408(b).

OCR enforces the Privacy and Security Rules, and the Breach Notification Rule. OCR also enforces Federal civil rights laws that prohibit discrimination in the delivery of health and human services because of race, color, national origin, disability, age, and, under certain circumstances, sex, and religion.

OCR is responsible for enforcing the Privacy and Security Rules, and the Breach Notification Rule, as those Rules apply to "covered entities" and "business associates." Covered entities are health care clearinghouses, health plans, and health care providers that transmit health information in electronic form in connection with a transaction for which HHS has adopted standards. See 45 C.F.R. Part 162. Business associates are persons or entities that provide certain services to or perform functions on behalf of covered entities, or other business associates of covered entities, that require access to protected health information.

OCR's enforcement authority is codified at 45 C.F.R. Part 160, Subparts C, D, and E (the Enforcement Rule), which relates to compliance with, and enforcement of, each of the above-referenced Rules. The Enforcement Rule requires that covered entities and business associates cooperate with OCR during an investigation or compliance review of a covered entity's or business associate's policies, procedures, or practices to determine whether it is complying with the applicable provisions. 45 C.F.R. § 160.310(b). It also requires that covered entities and business associates permit OCR access to its facilities, records and other information during normal business hours or at any time, without notice, if exigent circumstances exist. 45 C.F.R. § 160.310(c).

Please contact the OCR Investigator named below **immediately upon receipt of this letter** to discuss this matter. In addition, please submit your responses to the enclosed data request **within 14 days of the date of this letter**, and number each response to correspond with the number and letter in the data request. Be sure to produce the documents in compliance with the "Instructions" set forth below, including the placement of consecutive bates numbers on the documents.

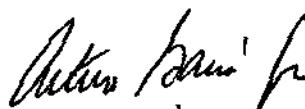
A covered entity or business associate has the right to submit additional data beyond that requested by OCR in the data request, as the covered entity or business associate deems appropriate. Such data could pertain to the covered entity's or business associate's compliance with the applicable provisions of the Privacy, Security, and Breach Notification Rules and/or pertain to the actions the covered entity or business associate has taken to correct the noncompliance.

If we are unable to resolve this matter voluntarily, and if OCR's investigation results in a finding that PPSWO has failed to comply with the applicable provisions of the Privacy and Security Rules and/or the Breach Notification Rule, HHS may initiate formal enforcement action which may result in the imposition of civil money penalties, or take other actions consistent with OCR's jurisdiction. We have enclosed a separate fact sheet explaining the penalty provisions under the Privacy, Security, and Breach Notification Rules. The fact sheet also explains that certain violations of the Privacy and Security Rules may be subject to criminal penalties, which the U.S. Department of Justice is responsible for enforcing.

Under the Freedom of Information Act, we may be required to release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy. OCR will also attempt to protect information from disclosure that is submitted by PPSWO in response to this or other data requests if such information constitutes "proprietary information" for purposes of the Freedom of Information Act and/or HHS's implementing regulations.

If you have any questions, please do not hesitate to contact Alyce Hilden, OCR Investigator, at 312-353-9688 (Voice), 312-353-5693 (TDD), or at [Alyce.Hilden@hhs.gov](mailto:Alyce.Hilden@hhs.gov). When contacting this office, please remember to include the transaction number that we have given this file. That number is located in the reference line of this letter.

Sincerely,



Celeste H. Davis  
Regional Manager

Enclosures: Data Request  
The Privacy and Security Rules Enforcement and Penalty Provisions Fact Sheet