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Does the HIPAA Security Rule allow for sending electronic PHI in an email or over the Internet?

Question

Does the HIPAA Security Rule allow for sending electronic PHI in an email or over the Internet? If so, what protections must be applied?

Answer

The HIPAA Security Rule does not expressly prohibit the use of email for sending electronic protected health information (PHI). However, the standards for access control, (45 CFR § 164.312(a)) integrity (45 CFR § 164.312(c)(1)), and transmission security (45 CFR § 164.312(e)(1)) require covered entities to implement policies and procedures to restrict access to, protect the integrity of, and guard against the unauthorized access to electronic PHI. The standard for transmission security (§ 164.312(e)) also includes addressable specifications for integrity controls and encryption. This means that the covered entity must assess its use of open networks, identify the available and appropriate means to protect electronic PHI as it is transmitted, select a solution, and document the decision. The Security Rule allows for electronic PHI to be sent over an electronic open network as long as it is adequately protected.