

## **COLUMBIA HEALTH NOTICE OF PRIVACY PRACTICES: FERPA and HIPAA**

Columbia Health collects and maintains health information in the course of providing health care services to students, eligible dependents, and other patients. Columbia University is committed to protecting your personally identifiable information (PII) and protected health information (PHI).

In order to protect the privacy of your PII and PHI, Columbia Health follows the requirements of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), as applicable. FERPA applies to the records of patients of Columbia Health who are Columbia University students (HIPAA does not apply). If you are a patient of Columbia Health and you are not a student, then HIPAA will apply to your records, not FERPA.

Columbia Health maintains the privacy of the medical information of students and other patients consistent with the terms of the most current Notices of Privacy Practices (“NOPP”), which inform you about its legal duties and privacy practices with respect to your health information. Columbia Health reserves the right to change the terms of these Notices and to make any new Notice provisions effective for all the PII or PHI that it maintains. If we make changes, Columbia Health will make new and updated Notices available on its website and in its facilities.

**For students:** The Columbia Health FERPA NOPP is provided below.

**For non-students:** The Columbia Health HIPAA NOPP is provided on our website at <https://www.health.columbia.edu/content/notice-privacy-practices> or in the Patient Portal.

## Notice Regarding Confidentiality of Health Records Under the Family Educational Rights & Privacy Act (FERPA)

**PLEASE NOTE: This portion of the notification applies to Columbia University students.**

The privacy of your health information is important to all of us at Columbia Health. This Notice will tell you about the way we protect that privacy by complying with the Family Educational Rights and Privacy Act (FERPA).

### What is FERPA?

The Family Educational Rights and Privacy Act (FERPA), a federal law, governs how universities may use and share education records, including student health information held by Columbia Health. Under FERPA, “Education Records” are broadly defined as records that are directly related to a student and are kept by an educational agency or institution, or someone acting for the agency or institution. Under FERPA, student health records may be accessed with student consent or as allowed by the statute. For example, university officials, including individuals with whom the University has contracted, may access student health records if they have a legitimate educational interest in obtaining access to the records, and certain other restrictions are met. For instance, university officials may access to a student’s vaccination status to protect campus health and safety, or schools may be informed when students are admitted to inpatient care so they can help students obtain academic accommodations. In these cases, university officials would receive only the minimum information necessary for that purpose and only university officials involved in vaccine compliance or academic accommodation would receive the health information.

University officials may not access student health records without student consent, unless the requested access complies with FERPA, meets university privacy standards, and has been reviewed and approved by the Senior Vice President, Columbia Health or designee, in consultation with the Office of the General Counsel, and the Columbia University Privacy Office, as appropriate.

For more information on FERPA, see:

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

### Does Columbia University have a policy that describes how it complies with FERPA?

Yes, Columbia’s FERPA policy can be found online:

<https://www.registrar.columbia.edu/content/privacy-rights-ferpa>.

Under most circumstances, you will need to sign a written consent before we disclose your Education Records to anyone – including a parent – but the FERPA regulations also list some circumstances under which your Education Records may be disclosed without your prior written consent.

### **How does FERPA apply to my records at Columbia Health?**

Under FERPA, student health records maintained by Columbia Health are either “Treatment Records” or “Education Records.” The majority of records maintained at Columbia Health are considered to be “Treatment Records” under FERPA, including the records created by your healthcare provider or counselor while providing you with care. “Treatment records” are records that are made or maintained by a health care professional; are used only for your medical or psychological treatment; and are available only to treatment providers.

### **How does Columbia Health use my Treatment Records?**

Columbia Health uses your Treatment Records to provide you with healthcare services. Your records are available to staff who are involved in your care within Columbia Health, who do not require additional consent for this purpose. Your records are available to staff who are involved in your care outside of Columbia Health upon request. In general, we will ask you to sign a written consent form before we provide your information to a healthcare provider outside of Columbia Health. If there is an emergency situation, however, we may provide this information to other providers for your treatment without having you sign a written consent. At your request, we will also provide your Treatment Records to a physician or other appropriate professional for review.

### **Can my Columbia Health treatment records be shared with people other than healthcare providers without my consent?**

In general, we will ask you to sign a written consent before we disclose your Columbia Health records to anyone for a purpose other than treatment. In the following circumstances, as permitted by FERPA regulations and Columbia University policy, we may disclose your Student Health records without your written consent: (a) to comply with a judicial order or lawful subpoena; (b) disclosure to the court in connection with a legal proceeding involving the University and you or your parents; and (c) disclosure in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of you or other persons. FERPA regulations also list other situations in which we may disclose your Columbia Health records without your prior written consent. For example, we can share limited “directory” information about students. More information about FERPA regulations is available at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

For additional information about the University’s practices with respect to directory information, including the types of information deemed to be directory information, refer to the University FERPA policy, available at: <https://universitypolicies.columbia.edu/content/ferpa>.

### **Can I make a request to see my Columbia Health records?**

Yes, you may make a written request, using the contact information below, to see your Columbia Health records. We may provide you with copies of the records or arrange for a healthcare provider to be with you when you review them in order to explain the records and/or answer your questions.

### **At other healthcare providers, I've been told that the Health Insurance Portability and Accountability Act (HIPAA) applies to my health records. Why doesn't HIPAA apply to my Columbia Health/CUIMC Student Health on Haven records?**

Columbia Health is covered by both FERPA and HIPAA regulations – which framework applies depends on whether you are a student. Education Records and Treatment Records are excluded from coverage under HIPAA. Instead, FERPA regulations prescribe the federal rules that Columbia Health must follow in protecting the privacy of a student's medical and counseling records. When non- students are seen at Columbia Health, HIPAA regulations apply to the non- student health records.

If you receive health care from a Columbia University Irving Medical Center clinic or provider outside of Columbia Health, then the HIPAA regulations generally will apply to the records maintained by those facilities. Of course, Columbia facilities including Columbia Health, also comply with any applicable state laws and University policies regarding the privacy and confidentiality of healthcare records.

### **What about counseling or mental health records?**

In addition to federal privacy laws, there are New York State laws that place additional privacy protections and disclosure restrictions on mental health and counseling records, including records held at Columbia Health.

### **Where may I direct any other questions I may have about the privacy protections for my Columbia Health records?**

You may contact Columbia Health at [health@columbia.edu](mailto:health@columbia.edu) or the Privacy Office at [privacy@cumc.columbia.edu](mailto:privacy@cumc.columbia.edu)