HIPAA Violations by way of Cell/Smart Phone Usage

HIPAA Privacy issues can arise when using cell/smart phones in areas of UNC Health Care where patients and/or patient information may end up in photos or audio recordings. Patients and/or discussions of patient information may be in the background, which is picked up in the photo or audio recording.

This situation can easily result in a HIPAA Privacy violation as follows:

1. Using and/or disclosing patient photos without the required consents or
2. Unauthorized disclosure of patient information picked up on the audio recording

Further, use of personal cell/smart phones to collect, store and transmit patient information poses additional HIPAA privacy concerns. Since personal cell phones are not owned or managed by UNC Health Care, it is difficult to ensure that these devices are properly secured to protect stored patient health information (PHI).

E-mail sent from cell/smart phones that are not connected to a secure UNC Health Care e-mail server, may not be encrypted when transmitted, which would be considered a HIPAA Privacy violation.

Using cell phones for dictation of reports is highly discouraged not just for the purposes of reducing dictation clarity, but to ensure they are not used in public areas such as ball games or in public areas where the information can be overheard by others.

References:

- **Environmental Health & Safety (EHS) Cellular Telephone and Other Wireless Communication Device Use Policy**: The use of camera phones, personal digital assistants (PDAs) or Blackberries for the purpose of taking pictures of patients for non-clinical purposes is strictly prohibited except as provided in the Photographs and Motion Pictures Policy.

- **Photographs and Motion Pictures Policy ADMIN 0133** - References specific authorizations that must be obtained prior to photographing patients for legal, teaching or research purposes.

- **UNC Health Care Information Security Policy ADMIN 0082**