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Owner: *David Behinfar: HCS Exec Dir Privacy*
Policy Area: *HIPAA - Privacy*
Policy Tag Groups:
Applicability: *UNC Health Care System (all owned and managed entities)*

Uses and Disclosures of PHI for Fundraising Purposes

APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health" in this policy):

✓ UNC Health Care System/UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	✓ Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices	✓ Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System / Nash Hospitals
✓ Chatham Hospital	✓ Wayne UNC Health Care
✓ Caldwell Memorial Hospital	
✓ UNC Rockingham Health Care / UNC Rockingham Hospital	

* UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine UNC-Chapel Hill (including UNC faculty physicians).

I. Description

UNC Health shall limit the use and disclosure of PHI disclosed for fundraising activities in accordance with this policy.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNC Health or any other healthcare entity.

II. Policy

A. **Access, Use and Disclosure of PHI for Fundraising WITHOUT Patient Authorization.** A UNC Health Facility may access, use and disclose PHI to a business associate or an institutionally related foundation the following PHI without patient authorization for the purposes of fundraising:

1. Demographic information relating to an individual (including name, address, other contact information, age and gender)
2. Date of birth;
3. Dates of health care provided to an individual;
4. Department of service information (e.g., cardiology, oncology, pediatrics, etc.);
5. Treating physician;
6. Outcome information (including death or sub-optimal treatment); and
7. Health insurance status.

B. **Access, Use and Disclosure of PHI for Fundraising WITH Patient Authorization.** Any PHI other than what is listed in section II paragraph A above may only be accessed, used and disclosed with the written authorization of the individual, Such authorization shall be made using the UNC Health Use and Disclosure of PHI for Fundraising Form.

C. **Opt-outs Required for All Fundraising Communications.** All fundraising communications (verbal and written) shall provide the recipient the right to "opt out" of receiving any further fundraising communications.

1. **Written.** Written fundraising materials sent out to individuals must include a clear and conspicuous written description of how the individual may opt out of receiving any further fundraising communications.
2. **Verbal.** Verbal fundraising requests must include a statement made by the development officer (or other individual making the fundraising communication) of the right of the prospective donor to opt-out of further communications.
3. **Opt-out.** The process by which a prospective donor may opt out may be tailored to a specific fundraising campaign or may be broadly drafted to apply to numerous fundraising communications.
 - a. **No or Nominal Cost to Individual.** The opt-out mechanism may not cause the individual an undue burden or impose more than a nominal cost.
 - b. **Opt-out Database.** UNC Health Facilities shall ensure that individuals who decide to opt out of receiving future fundraising communications are not sent such communications in the future. An opt-out database must be maintained and each and every fundraising campaign must be checked against the opt-out database to ensure that fundraising communications are not sent to individuals who have opted out of receiving fundraising communications.

III. Definitions

None

IV. References

45 C.F.R. § 164.514(f)

V. Related Policies/Forms

Contact the [UNC Health Privacy Office for Fundraising Guidelines](#) - available to fundraising components and personnel affiliated with UNC Health.

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	03/2021
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	03/2021
	David Behinfar: HCS Exec Dir Privacy	03/2021

Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash UNC Health Care, Pardee Hospital, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital

