**PURPOSE**

To describe the circumstances under which PHI may be disclosed to government personnel and agencies for purposes of specialized government functions.

**POLICY**

[COVERED ENTITY] may use and disclose an individual’s protected health information (PHI) without the individual’s written authorization for the following specialized government functions:

* Military and veterans activities
* National security and intelligence activities
* Protective services for the President and others
* Medical suitability determinations
* Correctional institutions and other law enforcement custodial situations

**PROCEDURE**

1. Military and Veterans Activities.

a. *Armed Forces Personnel*. [COVERED ENTITY] may disclose to military authorities the PHI of individuals who are members of the armed forces for purposes that appropriate military command authorities have deemed necessary to ensure proper execution of the military mission, provided the military authority has, prior to seeking the information, (a) published a notice in the Federal Register that sets forth (i) the name of the appropriate military command authorities; and (ii) the purposes for which the PHI may be used or disclosed.

b. *Foreign Military Personnel*. [COVERED ENTITY] may use or disclose to the appropriate military authority the PHI of individuals who are foreign military personnel for the same purposes for which [COVERED ENTITY] may use or disclose PHI regarding Armed Forces Personnel as described above.

2. National Security and Intelligence Activities. [COVERED ENTITY] may disclose PHI to authorized federal officials as necessary to conduct lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. § 401, et. seq.) and implementing authority (e.g., Executive Order 12333).

3. Protective Services for the President and Others. [COVERED ENTITY] may disclose an individual’s PHI to authorized federal officials for the provision of protective services to the President of the United States or other persons authorized by 18 U.S.C. § 3056 or to foreign heads of state or other persons authorized by 22 U.S.C. § 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. §§ 871 and 879.

4. Correctional Institutions and Other Law Enforcement Custodial Situations. [COVERED ENTITY] may disclose an individual’s PHI to a correctional institution or a law enforcement official who has lawful custody of an inmate or other individual if the correctional institution or law enforcement official represents that such PHI is necessary for: (a) the provision of healthcare to the individual; (b) the health and safety of such individual or another inmate; (c) the health and safety of the officers or employees, of or others at the correctional institution; (d) the health and safety of such individual and officers or other persons responsible for the transporting of inmates or their transfer from one institutional facility or setting to another; (e) the administration and maintenance of safety, security, and good order of the correctional institution. The PHI of an individual who has been released on parole, probation, supervised release, or who is otherwise no longer in lawful custody, may not be used or disclosed.

5.Minimum Necessary and Accounting for Disclosures.

a. *Minimum Necessary Rule*. If [COVERED ENTITY] is permitted to make a disclosure of PHI as described above, [COVERED ENTITY] may disclose only the information specified for the particular situation. If no specific information is specified for a particular situation, then [COVERED ENTITY] may disclose only the minimum necessary PHI to accomplish the purpose of the disclosure.

b. *Accounting for Disclosures*. [COVERED ENTITY] must keep a record of any disclosures made to law enforcement pursuant to this policy. This information shall be available to any individual who is the subject of such a disclosure and who requests an accounting of such a disclosure. Records regarding disclosures to law enforcement must be kept for at least 6 years after the date of the disclosure.