



# HIPAA and FERPA Policies and Procedures

August 15, 2012

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# 1.0 HIPAA Policy



# 1.1 HIPAA Policy and Procedures

## **Purpose**

The following privacy policy is adopted to ensure that Hupp Information Technologies, Inc. (“Hupp Information Technologies”) complies fully with all federal and state privacy protection laws and regulations. Protection of patient privacy is of paramount importance to this organization. Violations of any of these provisions will result in severe disciplinary action including termination of employment and possible referral for criminal prosecution.

## **Effective Date**

This policy is in effect and is updated as of August 15, 2012.

It is the policy of the Company to adopt, maintain and comply with our privacy practices of customer and end-user data, which shall be consistent with HIPAA and Illinois law.

## **Notice of Privacy Practices**

It is the policy of the Company that a notice of our privacy policy be published on our website, and that all uses and disclosures of protected health information be done in accord with the Company’s privacy policy and practices.

## **Assigning Privacy and Security Responsibilities**

It is the policy of the Company that specific individuals within our workforce are assigned the responsibility of implementing and maintaining this HIPAA Privacy Policy. Furthermore, it is the policy of the Company that these individuals will be provided sufficient resources and authority to fulfill their responsibilities. At a minimum it is the policy of the Company to designate one individual as the Privacy Official.

## **Deceased Individuals**

It is the policy of the Company that privacy protections extend to information concerning deceased individuals.

## **Minimum Necessary Use and Disclosure of Protected Health Information**

It is the policy of the Company that for all routine and recurring uses and disclosures of PHI (except for uses or disclosures made 1) to or as authorized by the customer, client or end-user or 2) as required by law for HIPAA compliance such uses and disclosures of protected health information must be limited to the minimum amount of information needed to accomplish the purpose of the use or disclosure. It is also the policy of the Company that non-routine uses and disclosures will be handled pursuant to established criteria. It is also the policy of the Company that all requests for protected health

information (except as specified above) must be limited to the minimum amount of information needed to accomplish the purpose of the request.

### **Marketing Activities**

It is the policy of the Company that any uses or disclosures of protected health information for marketing activities will be done only after a valid authorization is in effect.

### **Prohibited Activities-No Retaliation or Intimidation**

It is the policy of the Company that no employee or contractor may engage in any intimidating or retaliatory acts against persons who file complaints or otherwise exercise their rights under HIPAA regulations. It is also the policy of the Company that no employee or contractor may condition payment on the provision of an authorization to disclose protected health information except as expressly authorized under federal and state regulations.

### **Responsibility**

It is the policy of the Company that the responsibility for designing and implementing procedures to implement this policy lies with the Privacy Official.

### **Verification of Identity**

It is the policy of the Company that the identity of all persons who request access to protected health information be verified before such access is granted.

### **Mitigation**

It is the policy of the Company that the effects of any unauthorized use or disclosure of protected health information be mitigated to the extent possible.

### **Safeguards**

It is the policy of the Company that appropriate physical safeguards will be in place to reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the HIPAA Privacy Rule.

### **Business Associates**

It is the policy of the Company that business associates must be contractually bound to protect health information to the same degree as set forth in this policy. It is also the policy of the Company that business associates who violate their agreement will be dealt with first by an attempt to correct the problem, and if that fails by termination of the agreement and discontinuation of services by the business associate.

### **Training and Awareness**

It is the policy of the Company that all members of our workforce have been trained by the compliance date on the policies and procedures governing protected health information and how the Company complies with the HIPAA Privacy and Security Rules. It is also the policy of the Company that new members of our workforce receive training on these matters within a reasonable time after they have joined the workforce. It is the policy of the Company to provide training should any policy or procedure related to the HIPAA Privacy and Security Rule materially change. This training will be provided within a reasonable time after the policy or procedure materially changes. Furthermore, it is the policy of the Company that training will be documented indicating participants, date and subject matter.

### **Material Change**

It is the policy of the Company that the term “material change” for the purposes of these policies is any change in our HIPAA compliance activities.

### **Sanctions**

It is the policy of the Company that sanctions will be in effect for any member of the workforce who intentionally or unintentionally violates any of these policies or any procedures related to the fulfillment of these policies. Such sanctions will be recorded in the individual’s personnel file.

### **Retention of Records**

It is the policy of the Company that the HIPAA Privacy Rule records retention requirement of six years will be strictly adhered to. All records designated by HIPAA in this retention requirement will be maintained in a manner that allows for access within a reasonable period of time. This records retention time requirement may be extended at this Company’s discretion to meet with other governmental regulations or those requirements imposed by our professional liability carrier.

### **Regulatory Currency**

It is the policy of the Company to remain current in our compliance program with HIPAA regulations.

### **Cooperation with Privacy Oversight Authorities**

It is the policy of the Company that oversight agencies such as the Office for Civil Rights of the Department of Health and Human Services be given full support and cooperation in their efforts to ensure the protection of health information within this Company. It is also the policy of the Company that all personnel must cooperate fully with all privacy compliance reviews and investigations.

Please refer to *Section 4.0 Privacy Policy* for more information regarding how Hupp Information Technologies shares information.

## 2.0 FERPA Policy



## 2.1 FERPA Policy and Procedures

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### **Purpose**

Hupp Information Technologies (HIT) understands that certain information about students will be contained in records maintained by HIT solutions and that this information may be considered confidential by reason of the Family and Educational Rights and Privacy Act of 1974 (20 U.S. C. 1232g) (FERPA) unless valid consent is obtained from students or their legal guardians. Accordingly, Hupp Information Technologies uses all commercially reasonable administrative, physical and technical standards to ensure that no unauthorized person gains access to any student information that may be considered confidential under FERPA. HIT also uses all commercially reasonable efforts to ensure that HIT does not inadvertently disclose any student information that may be considered confidential under FERPA to anyone other than personnel within the organization or other individuals that have been authorized by the organization to access such information through the use of HIT solutions, authorized representatives of federal or state governments for the audit and evaluation of federal and state supported programs or other persons as required by law.

Please refer to *Section 4.0 Privacy Policy* for more information regarding how Hupp Information Technologies shares information.

## 3.0 National School Lunch Act Policy



## 3.1 National School Lunch Act Policy

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### **Purpose**

Various Hupp Information Technologies, Inc. (HIT) systems collect a large amount of valuable data, including personally identifiable data, and takes seriously the responsibility of maintaining this data in a way that is secure and respects the privacy of parents, students, and teachers. When used correctly, analysis of this data serves to inform program evaluation and innovation and, ultimately, to push the learning of students forward. This policy is intended to serve as a guideline on how that data is used and protected.

### **Policy**

Pursuant to the federal Family Education Rights and Privacy Act (FERPA) and its implementing regulations, as well as the federal National School Lunch Act and the United States Department of Agriculture's (USDA) implementing regulations and guidance, HIT follows a very detailed and specific Privacy Policy. This Privacy Policy is intended to comply with the previously mentioned federal acts with the intent of providing data protection and security to the covered parties.

Please refer to *Section 4.0 Privacy Policy* for more information regarding how Hupp Information Technologies shares information.

## 4.0 Privacy Policy



# 4.1 Privacy Policy

## Privacy Policy

Hupp Information Technologies, Inc. (“Hupp Information Technologies”) is committed to maintaining the confidence and trust of its users, and accordingly maintains the following Privacy Policy to protect any personal information to which Hupp Information Technologies may have access. These policies and procedures are also available at [www.huppinfotech.com](http://www.huppinfotech.com).

### Collection and Use of Information

While using solutions implemented by Hupp Information Technologies, users may be asked to provide certain information about themselves by completing and submitting an online form. If you elect to engage in these activities, Hupp Information Technologies may ask that personal information be provided, such as first name, last name, mailing address, e-mail address, job title, department, telephone and fax numbers, or other personal information.

When using a HIT solution, Hupp Information Technologies or third parties authorized by Hupp Information Technologies may also collect certain technical and routing information about the accessing computer to facilitate use of the solution site and its services. For example, HIT may track variables such as browser type, operating system, CPU speed, and the Internet Protocol (IP) address of the computer. HIT may use these variables to facilitate and track the use of the solution and its services. Hupp Information Technologies may also use these variables to measure traffic patterns.

At times, Hupp Information Technologies may also employ the use of cookies to compile aggregate data about site traffic and site interaction so that HIT can offer better site experiences and tools in the future. A cookie is a small piece of computer code that enables web servers to identify users. Cookies do not store any information that has been provided to the site. They are simply identifiers. Users have the ability to delete cookie files at any time or avoid cookies by configuring the browser to reject them or to notify when a cookie is being placed on the hard drive.

HIT only uses the information that is provided through the solution site to help improve services to clients. HIT does not sell, trade, or otherwise transfer to outside parties any personally identifiable information. This does not include trusted third parties who assist in operating the site, conducting HIT business, or servicing HIT clients, as long as said parties agree to keep all such information confidential. HIT may also release information when HIT believes the release is appropriate to comply with the law, enforce site policies, or protect HIT or others rights, property, or safety.

### Security of Personal Information

Hupp Information Technologies has implemented security features throughout the site to prevent the unauthorized release of or access to personal information. Please be advised, however, that although Hupp Information Technologies has attempted to create a secure and reliable site, the confidentiality of any communication or material transmitted to or from Hupp Information Technologies via the Site or

email cannot be guaranteed. When disclosing any personal information, the sender should remain mindful of the fact that it is potentially accessible to the public, and consequently, can be collected and used by others without consent. Hupp Information Technologies has no responsibility or liability for the security of information transmitted via email.

### **External Websites**

To the extent that hyperlinks are present on the site to access third-party sites, users should be aware that these third-party websites are not controlled by Hupp Information Technologies and, therefore, are not subject to this Privacy Policy. Users should check the privacy policies of these individual sites to see how personal information will be utilized by the operators of those third-party web sites.

### **Consent**

By using HIT solutions/sites, users consent to this Privacy Policy.

### **Changes to the Privacy Policy**

Hupp Information Technologies may modify this Privacy Policy from time to time. If HIT decides to change the Privacy Policy, HIT will post those changes at [www.huppinfotech.com](http://www.huppinfotech.com). The continued use of the HIT solution following the posting of changes to these terms will mean acceptance of these changes. Users may have the right to access personal information that Hupp Information Technologies has collected about themselves. Users may also have the right to modify any errors contained in that information. Please contact Hupp Information Technologies for more details.

### **How to Contact Us**

If you have other questions or concerns about this Privacy Policy, please call Hupp Information Technologies at (217) 679-4877 or email us at [info@huppinfotech.com](mailto:info@huppinfotech.com).