

Shadowfax

Title	Access to Records
Policy Number	ORG.1018.000.000
Initiating Authority	Policy Committee
Approved By	Compliance Committee 2-10-22
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Revision Date	
Effective Date	March 1, 2022
Next Review Date	August
Associated Policies	ORG.1001.000.000 Record Retention Maintenance and Purge, ORG.1007.000.000 Incident Management, RES.6010.000.000 Individual Rights, RES.6011.000.000 Abuse, Neglect, Exploitation, DAY.5008.000.000 Individual Rights, ORG.1027.000.000 HIPAA
Associated Procedures	
Associated Documents	

I. POLICY STATEMENT

Shadowfax Corporation (“Shadowfax”) is committed to the security and confidentiality of information of the individuals we serve; therefore, Shadowfax has created a policy outlining allowable access to individuals’ records.

II. PURPOSE

This policy set standards on allowable access to an individual’s records, including viewing, duplication, and dissemination of information from the records.

III. SCOPE

This policy applies to all individuals’ records maintained by Shadowfax.

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IV. GENERAL

This policy is based on the standards set by PA Code Title 55 Chapters 1101.51e, 6100, 6400, 2380, 2390 and 52, PA code 6, Chapter 11 and the US Federal Health Insurance Portability and Accountability Act (HIPAA)

V. POLICY

General Policy Provisions

An individual's record is the property of Shadowfax. Shadowfax shall secure the information against loss, defacement, tampering or use by unauthorized persons.

Individual records shall be removed from the Shadowfax's jurisdiction and safekeeping only in accordance with a court order, subpoena or statute, and as indicated in Shadowfax policy ORG.1001.000.000 Record Retention, Maintenance and Purge.

For the purposes of this policy, "access" shall refer to viewing, copying, and disseminating information in either hard copy or electronic form. Shadowfax will maintain appropriate information systems security and access controls to allow or restrict access to electronic records in compliance with this policy.

Individuals' Records

An individual's record shall be kept locked when unattended. Information in an individual's record is confidential, only authorized parties listed below may access information in an individual's record without written consent:

1. The individual.
2. The individual's legal guardian or advocate.
3. Shadowfax staff for the purpose of providing a service to the individual.
4. An authorized agent of the Department of Human Services or the Department of Aging during announced or unannounced inspections, audits, or monitoring.

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Note: The term "Individual" is synonymous with resident, client, patient, consumer, or participant.

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5. An authorized agent of the United States Federal government.
6. A person holding the individual's power of attorney for health care or health care proxy.
7. The designated managing entity, and the support coordinator, targeted support manager or base-funding support coordinator.
8. A person executing a court-ordered search warrant.
9. Internal auditors and internal auditing consultants with confidentiality agreements which is objective and free from undue influence (independent). Aligns with the strategies, objectives, and risks of the organization. Is appropriately positioned and adequately resourced.

Written Consent

Written consent of the individual, or the individual's or legal guardian, is required for the release of information, including photographs, to persons not otherwise authorized to receive it.

Circumstances When Information May Be Withheld By Shadowfax

If the interdisciplinary team or Shadowfax determines that disclosure of specific information constitutes a substantial detriment to the individual or that disclosure of specific information will reveal the identity of another individual or breach the confidentiality of persons who have provided information upon an agreement to maintain their confidentiality, that specific information identified may be withheld. The circumstance and reason(s) for withholding information must be documented. The situation shall be addressed in accordance with § 11.16 (relating to reporting of unusual incidents), as outlined in Shadowfax policy ORG.1007.000.000 Incident Management.

VI. **OVERSIGHT**

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Shadowfax's Compliance Committee or their designee(s) (the "Approved By") shall be in charge of the administration of this Policy. The Approved By responsibilities include:

1. Identifying the action steps to come into compliance and directives to maintain compliance and implement the action steps.
2. Periodically reviewing this Policy and monitoring compliance to it.
3. Training responsible parties on their obligations under the Policy.

Revision History

Name	Date	Reason for Changes	Version