

Special Video Report Transcript

Headline: Center for Democracy & Technology's McGraw
Discusses Health Data Privacy Challenges

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Deven McGraw, director of the Health Privacy Project at the Center for Democracy and Technology

"I'm Deven McGraw, director of the Health Privacy Project at a nonprofit organization called the Center for Democracy and Technology, or CDT. I think attention to the security of personal information has changed tremendously. Whether the information is actually done more secure or not is a really open question. I mean, we have a set of rules that require health care providers, for example, to adopt security protections, and they did so to some degree in the paper world. But now that we're sort of moving into an electronic world, it's not entirely clear that the old rules are the right rules for where we're heading."

"So why children present a particular problem to the challenge of protecting personal health information is because, you know, children are not the same at different ages. You know, when they're very young, they have a certain set of care needs, and their parents are expected to be involved in that care, and there isn't an issue with that -- usually. But as they get older and they become more adult-like, both in their behaviors and in their expectations, they have quite different needs from both a health care and a privacy standpoint. So if you think about adolescents, in particular, who often want to seek a certain type of care without necessarily informing one or both of their parents or their guardians because they're afraid or because it makes them uncomfortable to do so, the law actually gives them the right to do that. And when they can do that, then they can actually ... they have an expectation, and the health care providers have to meet it, that that information won't be disclosed to their parents without their knowledge. And I know this makes a lot of parents very upset, but the reason for it is to create an environment where kids don't feel afraid to seek care that could be quite important to them in terms of their health and welfare."

"So one example of where this might come into play is in a hospital or a clinic where a young teenager comes in and is seeking to be treated for what she suspects is a sexually transmitted disease. And she would not be there, probably -- or, if her relationship with her parents, even when it's good, is such that she is afraid to tell them or she doesn't want them to know and be disappointed in her that she thinks that this has happened to her, she still is going to need to get care. It could be quite significant if, in fact, she has an STD and she doesn't get that care because she's afraid. So the ability to go on her

own someplace to seek the care that she needs and to know that she doesn't need her parents' consent to be treated and the facility won't tell her parents unless she says it's okay is probably a very big factor in her willingness to seek care."

"I think the biggest obstacle to provider compliance with privacy and security regulations is -- we'll call it carelessness. Like not intentional, but just having a lot to do, caring for the patient, documenting that care so they can be paid. There are a lot of things that have to take place within a health care practice or in a health care institution, and sometimes taking the extra steps that are necessary to make sure that information is not disclosed to an inappropriate party who shouldn't get it or to make sure that it is secure and not lost or stolen is not necessarily on the top of the priority list. And as a result, we have had circumstances where we have had inappropriate breaches of health care information."

"There are a few basic steps that consumers can take in order to safeguard their personal health information. And the first is to be mindful of where you're accessing your personal health information and how secure that environment is. So ideally, if you normally access the Web on a computer at your work, you might consider doing it on a personal computer instead. If you don't have a computer at home, then you might use the computers in the library. Make sure that you're in a space that someone isn't looking over your shoulder and can see the data that you might be accessing. Simple things like that. If you're using your cell phone as your access to your health care record, again, make sure you're doing it in a private space where somebody can't see what you're doing. And all of this is really up to the consumer, by the way. If you are concerned, there are steps that you can take to lower the risks that somebody who you're not authorized -- who you haven't authorized -- will see your data. For some people this isn't an issue, but for others, it is. And then, if you're downloading data and sharing it with others on the Internet, you want to read the privacy policies."