

DOCUMENT RETENTION:

Is Your System Legally Compliant, Effective, and Systematic?

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Records Vary

- **Word**
- **Data Sheets**
- **Compilations**
- **Video**
- **Audio**
- **Physical form (e.g. blood samples)**

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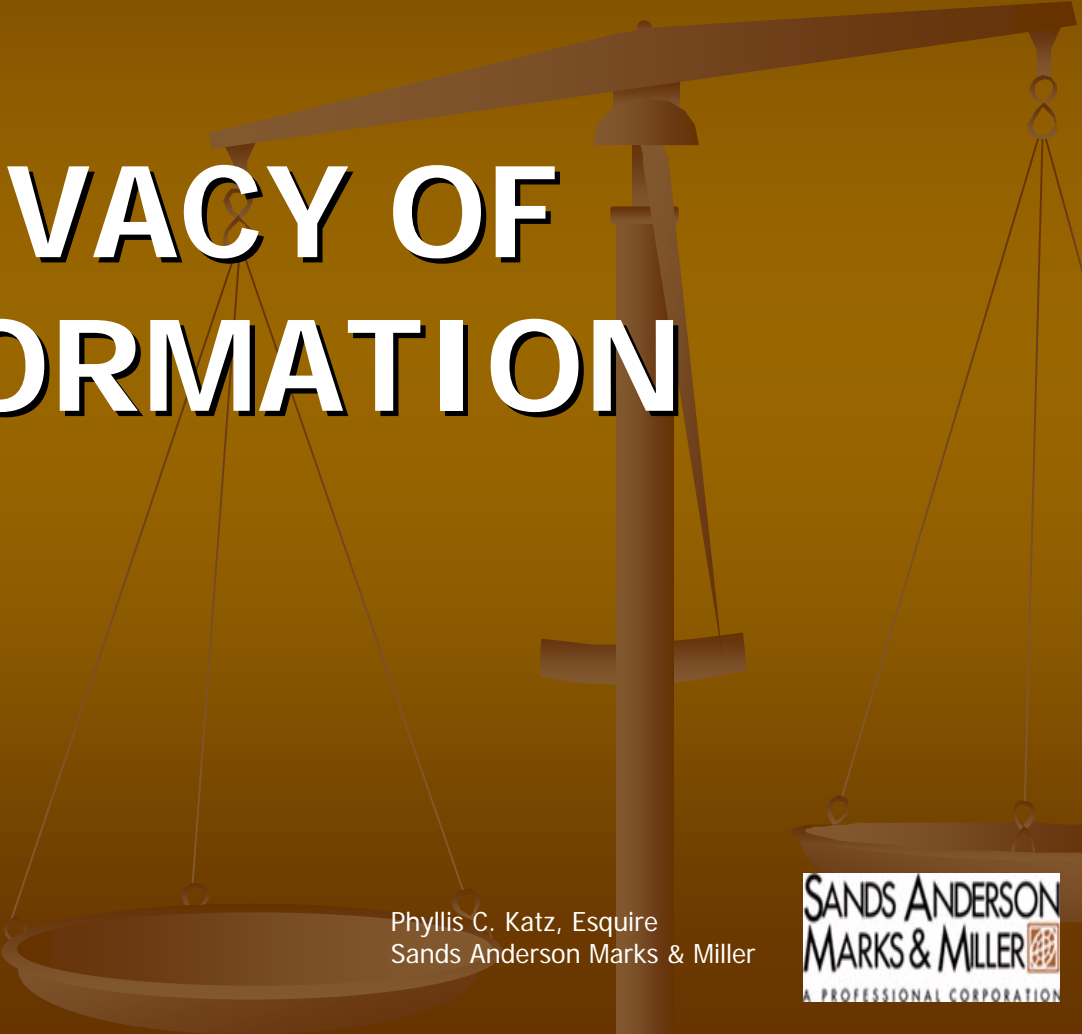
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Many Records Contain Private Facts

- Private facts are afforded protections under the law.
- Common law - invasion of privacy
- Statutory law -
 - Protected by nature of information
 - Protected by type of information
 - Protected by limiting use and disclosure

PRIVACY OF INFORMATION



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Privacy of Information

- **Society expectation - confidential personal information will not be shared with third parties**
- **Claims for injury from the disclosure of personal information can be made if**
 - disclosure was not authorized (by law or by consent) and was unreasonable under the circumstances
 - another appropriated the person's name or likeness
 - If private facts are made public, or
 - If publication places the person in a false light

Many Records Contain Personal Information

- Personal information is defined differently under each federal or state law
- Personal information is private information about an individual
- Personal information may be used to defraud, for identity theft, and other criminal purposes
- Existing laws protect from the unauthorized use of personal information

Private Information – Virginia Law

- **Health Record Privacy – Virginia HIPA, Va. Code §32.1-127.1:03**
- **Quarterly Wage Reports Va. Code §60.2-114.01**
- **Financial Information by insurance companies and agents Va. Code §38.2-604.1**

Difference Between Data Privacy and Data Security

- **Data Privacy** - the appropriate use of information as set forth in law and societal expectations
- **Data Security** –the protection of information so as to preserve confidentially and/or data integrity.