

[Enter Organization Logo]

**MINIMUM NECESSARY FOR REQUESTS FOR, OR USES  
OR DISCLOSURES OF, PHI**

**Policy Number: [Enter]**

**Effective Date: [Enter]**

**I. Policy:**

**A. Purpose**

The purpose of this policy is to limit the use and disclosure of PHI to only that which is needed for the purpose of the disclosure, in situations where the minimum necessary principle applies.

**B. Policy Implementation – General Rule**

When using or disclosing PHI or when requesting PHI from another covered entity or business associate, *[Organization]* or *[Organization]'s* business associate shall make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

For all uses, disclosures, and requests where the minimum necessary rule applies, *[Organization]* may not use, disclose, or request the entire medical record, unless the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request.

**1. Situations where the minimum necessary rule does not apply**

*[Organization]* and its workforce are not required to comply with the minimum necessary rule in the following situations:

- a. Disclosures to a health care provider for treatment or requests by *[Organization]* for treatment;
- b. Uses or disclosures to the individual that is the subject of the information as:
  - i. Permitted under 45 C.F.R. 164.502(a)(1)(i);
  - ii. Required upon request for access; or
  - iii. Required under the individual's right to an accounting of disclosures.
- c. Uses or disclosures pursuant to an authorization;
- d. Disclosures made to the Secretary of the Department of Health and Human Services;
- e. Uses and disclosures that are required by law; and

- f. Uses and disclosures required for compliance with the requirements of the HIPAA Regulations.

**2. Minimum Necessary Uses of PHI**

*[Organization]* shall identify the job positions and/or persons in its workforce who need access to PHI to carry out their duties, along with the categories of PHI to which access is needed. For each position and/or person, *[Organization]* shall make reasonable efforts to limit access to only the categories of PHI to which access is needed.

**3. Routine and Recurring Disclosures or Requests**

For any type of disclosure or request made on a routine and recurring basis, *[Organization]* shall limit the PHI to the amount reasonably necessary to achieve the purpose of the disclosure or request. *[Organization]* has a procedure that limits the PHI disclosed to the amount that is reasonably necessary to accomplish the purpose of the disclosure or request.

**4. Other Disclosures or Requests**

For all other disclosures or requests, *[Organization]* must:

- a. Develop criteria designed to limit the request for or disclosure of PHI to the information reasonably necessary to accomplish the purpose for which the request or disclosure is made.
- b. Review requests for disclosure on an individual basis in accordance with such criteria.

**5. Disclosures where *[Organization]* may rely on a requested disclosure as the minimum necessary**

In certain circumstances, *[Organization]* may rely on the judgment of the person requesting the disclosure as to the minimum amount of information that is needed. In other words, *[Organization]* does not need to independently confirm that it is providing only the minimum amount of information necessary to accomplish the intended purpose. This reliance is permitted when the request is made by:

- a. A public official or agency who states that the information requested is the minimum necessary for the stated purpose and the disclosure is for a purpose permitted under 45 CFR 164.512;
- b. Another covered entity;
- c. A professional who is a member of *[Organization]*'s workforce or a business associate of *[Organization]* when the purpose of the disclosure is to provide

professional services to *[Organization]*, if the professional represents that the information requested is the minimum necessary; or

- d. A researcher with appropriate documentation or representations that comply with the HIPAA Regulations' requirements on uses and disclosures for research.

**II. Procedure:**

- A. *[Organization]* and its workforce will apply the minimum necessary rules outlined in this policy to uses, disclosures, and requests for PHI.
- B. The *[compliance officer/privacy officer/other designee]* shall review each non-routine and non-recurring disclosure of PHI prior to the disclosure to ensure that the disclosure complies with this policy;
- C. The *[compliance officer/privacy officer/other designee]* shall identify and document which members of the workforce need access to PHI to carry out their duties, the type or category of PHI that is needed by those members of the workforce, and any conditions that are appropriate for their access to that PHI;
- D. The *[compliance officer/privacy officer/other designee]* shall be responsible for implementing mechanisms and processes that limit workforce members' access to PHI to the minimum necessary to carry out their duties; and
- E. The *[compliance officer/privacy officer/other designee]* shall ensure that employees are trained on the application of the minimum necessary rule and this policy.