



Department of Defense DIRECTIVE

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ASD(HA)

SUBJECT: Privacy of Individually Identifiable Health Information in DoD Health Care Programs

- References:
- (a) Sections 1320a - 1320d-8 of title 42, United States Code
 - (b) Title 45, Code of Federal Regulations, "Public Welfare," current edition
 - (c) [DoD 5025.1-M](#), "DoD Directive System Procedures," current edition
 - (d) Section 552 of title 5, United States Code
 - (e) [DoD Directive 5400.11](#), "DoD Privacy Program," August 13, 1999
 - (f) [DoD 5400.11-R](#), "Department of Defense Privacy Program," August, 1983

1. PURPOSE

This Directive:

1.1. Establishes policy and assigns responsibilities for implementation of the standards for privacy of individually identifiable health information established by references (a) and 45 CFR Parts 160 and 164 (reference (b)).

1.2. Authorizes the "Privacy Program for Health Information in the DoD Health Care Programs" publication in accordance with reference (c).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. DEFINITION

3.1. Health care entities. Department of Defense health plans (such as TRICARE), health care providers (such as medical treatment facilities), and other covered entities to the extent that such plans, providers, or entities are subject to references (a) and (b).

4. POLICY

It is DoD policy:

4.1. That health care entities will comply with their obligations under references (a) and (b), while continuing to maintain compliance with 5 U.S.C. 552a, DoD Directive 5400.11, and DoD 5400.11-R (references (d), (e), and (f)).

4.2. That health care entities shall, as authorized by and consistent with the procedures of reference (b), assure the availability to appropriate command authorities of health information concerning military personnel necessary to assure the proper execution of the military mission.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Health Affairs), under the Under Secretary of Defense (Personnel and Readiness), shall exercise oversight to ensure compliance with this Directive and issue the Privacy Program for Health Information in the DoD Health Care Programs publication.

5.2. The Secretaries of the Military Departments and other Heads of the DoD Components shall comply with this Directive and the Privacy Program for Health Information in the DoD Health Care Programs publication.

6. EFFECTIVE DATE

This Directive is effective immediately.



Paul Wolfowitz
Deputy Secretary of Defense