

Are You Ready to Be a Privacy Officer?

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by David A. Sobel, PhD

As an HIM professional, you may be asked to serve as your organization's first privacy officer. While serving as privacy officer will give you the opportunity to play a new and more profound role in safeguarding patients' privacy rights, it will also provide you with new challenges.

Are you ready to take on this role? This article will explore some of the issues you should consider before accepting the position of privacy officer.

Know Your Position Description

Your new responsibilities will include developing and administering a privacy program and ensuring that all staff, including physicians, are educated in safeguarding protected health information (PHI). Successful privacy officers have a formal position description that contains clearly defined responsibilities.

When looking at a position description for a privacy officer, you should ask yourself the following:

- Has executive leadership developed **formal position responsibilities** for the privacy officer?
- Is this a **full-time** or **part-time** position?
- Would this be an **addition** to your current HIM director responsibilities and, if so, is it possible to do both jobs?
- It is also important to consider whether **information security** responsibilities are assigned to another person. If not, will you be required to serve as both the privacy and security officer?

New Reporting Relationships

To ensure that authority matches the level of job responsibility, privacy officers should report to the highest levels of management such as a chief financial officer, chief operating officer, or chief information officer. Before accepting the privacy officer position, it is imperative that you know what management expects of you and your new reporting relationship. This is a challenging position that will be significantly more difficult without a formal position description and the outright support of executive leadership.

Successful privacy officers enjoy a degree of independence similar to that of an internal auditor. In addition to reporting to a member of senior management, it is recommended that you have a secondary reporting relationship to an appropriate committee of the organization's governing board such as the quality assurance or audit committee. Providing the governing board with quality progress reports is one of the responsibilities of the privacy officer.

Consider the situation of a privacy officer at a teaching hospital who recently reported a breach of confidentiality to the appropriate department director for further investigation and disposition. As the investigation unfolded, it became clear that the person responsible for the breach was related by marriage to the department director, the individual in charge of investigating the incident. Despite convincing evidence, no formal action was taken against this employee by the department director.

By reporting to the chief financial officer, with a secondary relationship to the audit committee of the board of governors, the privacy officer was able to present this case to committee members. The end result was that an additional investigation was conducted and both the director and employee received disciplinary action consistent with human resource policies.

Privacy Oversight Committee: A Must

All privacy officers quickly learn that to be successful, it is necessary to work with a strong and representative oversight committee such as an information security and privacy committee. Some questions to consider are:

- Does your organization have an **oversight committee**, or is one being established?
- Who **chairs** this committee?
- Is the committee made up of **key members** who have responsibilities for maintaining the confidentiality, security, and integrity of all information, but particularly PHI?
- What is the **role** of the privacy officer as a member of this committee?

Everybody Needs Back-up

Every privacy officer needs a back-up person. Healthcare information privacy is a very time-consuming obligation. If you accept the position of privacy officer, you will need a back-up to assume your responsibilities when you are away.

Your back-up should be familiar with your responsibilities and be able to step in at a moment's notice. He or she should be competent to deal with policy matters, answer employee and patient questions, and manage serious incidents.

A Balanced Budget?

Successful privacy officers have a budget. Does a budget exist within your organization or will you have a role in developing the budget? Will you be responsible for developing the budget in subsequent years?

Like all programs, there are costs associated with managing a privacy program. You may need to purchase resource materials, order subscriptions to industry publications, and perform research. You may want to attend a state or national conference. And you will certainly need to devote financial resources to educating employees, physicians, and volunteers.

Rewards with Responsibility

Finally, consider the position's salary. Will your salary be adjusted to reflect your new responsibilities?

You may be asked to develop and administer policies, ensure compliance with state and federal regulations, work with all levels of management, manage privacy and security incidents, and serve as the in-house consultant to executive leadership for all matters pertaining to protection of health information. It is reasonable to assume that privacy officers should be properly compensated with respect to their position's responsibilities.

Serving as a privacy officer is both an exciting and daunting role. With the outright support of the governing board and executive leadership, a solid position description, a good reporting relationship, a necessary degree of independence, a strong oversight committee, a reliable backup, and a realistic budget, you should be well on your way to experiencing success in this new position.

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