

PRESENTATIONS DISPLAYING PERSONALLY-IDENTIFIABLE INFORMATION

1. REASON FOR ISSUE: This Directive establishes the policy that personally-identifiable information (PII) and information that is not releasable under the Freedom of Information Act of 1966 (FOIA), as amended, must not be included in presentations that may be seen by non-VA parties, a term which includes members of the public, and VA employees, volunteers, trainees, contractors, or other appointees without an official need to know such information. The document addresses methods of sanitizing presentations that may be made available to these individuals or groups. The requirements set forth in this Directive ensure that these presentations and materials do not contain PII or information exempt from release under FOIA. It also implements the policies pertaining to privacy reviews, as discussed in Department of Veterans Affairs (VA) Directive 6502, Privacy Program.

2. SUMMARY OF CONTENTS: This Directive describes the responsibilities, requirements and procedures for eliminating PII or information exempt from release under FOIA from presentations that may be seen by non-VA parties. This Directive includes guidance for conducting privacy reviews of presentations, and the criteria for when presenters must self-certify that their presentations are devoid of PII or information exempt from release under FOIA.

3. RESPONSIBLE OFFICE(S): Office of the Assistant Secretary for Information and Technology (005), Office of Information Security (005R), Office of Privacy and Records Management (005R1), VA Privacy Service (005R1A).

4. RELATED DIRECTIVE: VA Directive 6502, VA Enterprise Privacy Program.

5. RESCISSION: None.

CERTIFIED BY:

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

Distribution: Electronic Only

PRESENTATIONS DISPLAYING PERSONALLY IDENTIFIABLE INFORMATION

1. PURPOSE AND SCOPE

Many Department of Veterans Affairs (VA) presentations and associated materials are shown to non-VA parties and/or are made available for review via the Internet or any other public medium. Because these presentations and associated materials may be seen by individuals without a need or authorization to view them, it is imperative that none contain personally-identifiable information (PII) or information exempt from release under the Freedom of Information Act of 1966, as amended (FOIA). This Directive outlines requirements to ensure that those VA presentations that are made publicly available do not contain PII or information exempt from release under the FOIA.

This policy only applies to presentations that contain data derived from VA systems that hold or process PII or information exempt from release under FOIA. This policy **does not apply** to presentations and associated materials that are purely technical in nature or descriptive of a process or program and do not deal with data derived from a VA system that holds or processes PII or information exempt from release under the FOIA. It does not apply to materials used in internal VA meetings where only VA personnel or contractors who are considered a part of the VA workforce are in attendance and have a need to know the information for the performance of their official duties. NOTE: Contractors attending VHA meetings where PII or information exempt from release under FOIA is presented must be business associates as defined by the Health Insurance Portability and Accountability Act (HIPAA).

2. POLICY

a. No VA presentations or associated materials that may become publicly available shall contain PII or information exempt from release under the FOIA, as defined by this Directive.

b. For VA-sponsored national conference presentations that may be viewed by non-VA parties:

(1) The appropriate Privacy Officer will review the presentation for PII and information exempt from release under FOIA. If no PII or information exempt from release under FOIA is used in the presentation, the Privacy Officer will approve the presentation. If PII or information exempt from release under FOIA is present, the Privacy Officer will disapprove the presentation unless there is an applicable signed, written authorization from the subject of the information. If the Privacy Officer approves the presentation, he or she must sign the Presenter Certification (VA Form 0897) and provide the form and approved presentation to the presenter. The presenter will provide the form and approved presentation to the event organizer.

(2) If the presentation is received by the Privacy Officer directly from the event organizer, the form may be returned to that event organizer. All approvals must be attained by the presenter prior to materials being made available to any non-VA parties.

(3) Where a group presentation is given, a lead presenter shall be identified as the person responsible for organizing the privacy review and providing to the event organizer a copy of the presentation and associated materials, along with the signed Presenter Certification (VA Form 0897). If the presentation materials must be changed before the date of the presentation but after the Privacy Review, a new signed Acknowledgement of Review for Personally-Identifiable Information form, declaring that the presentation does not contain PII or information exempt from release under the FOIA shall be submitted by the presenter to the event organizer.

c. For all other VA presentations containing data derived from VA systems that hold or process PII or information exempt from release under FOIA, presenters may use a self-certification process. Presenters who self-certify must sign Appendix B, Acknowledgement of Review for Personally-Identifiable Information form, attesting that they understand and agree that their presentation and any associated materials adhere to the naming and information conventions spelled out in Appendix A, and that no PII or information exempt from release under FOIA will be displayed. The certification must contain the same information as found in Appendix A. It may be hard copy, or in electronic as long as the signatory must actively acknowledge that they understand and attest to the statement. This may be done by a pen and ink signature, an electronic signature, or by a simple click-through acknowledgement.

d. The Presenter is responsible for the content of the conference presentation and the Privacy Officer is responsible for the privacy review. The Event Organizer is responsible for ensuring that a copy of the signed VA Form 0897 or self-certification is received and on file for the time period that the official conference records are maintained or as long as the conference presentation is available via the Internet or other public media.

e. All presenters are responsible for ensuring that originals of their presentations and the accompanying acknowledgement forms are kept in accordance with the appropriate records schedule for those materials. If no records schedule exists that covers these materials, they must be kept until an applicable records schedule is developed and approved by the Archivist of the United States.

f. Presentations displaying PII pursuant to an authorization signed by the subject of the PII or that are provided to a party with which VA has a legal obligation to provide the subject PII are exempt from this policy.

3. RESPONSIBILITIES

a. **Under Secretaries, Assistant Secretaries, and Other Key Officials.** Under Secretaries, Assistant Secretaries and Other Key Officials must:

(1) Ensure the distribution of this Directive and the corresponding appendices to appropriate staff.

(2) Ensure that an alternate Privacy Officer is available for the review of presentations and corresponding materials if the Facility Privacy Officer is unavailable. This individual may be the alternate Privacy Officer, regional Privacy Officer, Memorial Integrated Service Network (MISN) Privacy Officer or Veterans Integrated Service Network (VISN) Privacy Officer. If none of these are available, the Administration or Staff Office Privacy Officer may perform the review and approve/disapprove the presentation.

b. Presenters.

(1) All presenters must ensure that no PII or information exempt from release under the FOIA is disseminated in presentations for any conference or meeting that may be made available to non-VA individuals or the general public. This information includes names of actual people found on screenshots. Names used in screenshots must follow the naming convention provided in Appendix A.

(2) Presenters participating in a VA-sponsored national conference requiring a privacy review (see above) must complete and sign VA Form 0897 and, along with their presentations, provide them to their organizational Privacy Officers for review. This must be done prior to submitting the presentation to the event organizer. Organizational Privacy Officers will certify that the final privacy reviews of the materials have been completed and provide the signed VA Form 0897 and final version of the presentation and corresponding materials back to the presenter. Presenters from OIT Field Offices and Data Centers without facility Privacy Officers will submit their presentations to the VA OIT Privacy Officer for final review. In lieu of a Form 0897, a signed Acknowledgement Form declaring that the presentation does not contain PII or information that is exempt from release under FOIA may be submitted by the presenter to the event organizer. This statement may be submitted via facsimile or through email by attaching a scanned copy of the signed statement.

(3) If the presentation materials must be changed prior to the date of the presentation but after the privacy review has taken place, the presenter is responsible for ensuring that the presentation still does not contain PII or information exempt from release under the FOIA. If more than one presenter is co-presenting, the lead presenter must take responsibility for this review.

(4) Presenters providing a presentation that will not be part of a VA-sponsored national conference must complete and sign the Acknowledgement Form and keep this form in accordance with the applicable Records Schedule. These presenters may also elect to have their organizational Privacy Officers conduct a privacy review in order to certify that no PII or information exempt from release under the FOIA is present. A signed VA Form 0897 will acknowledge the Privacy Officer's review.

c. Facility Privacy Officers and VA Central Office (VACO) Staff Office Privacy Officers.

(1) Facility and VACO Staff Office Privacy Officers are responsible for reviewing all presentations and associated materials of presenters within their organization who will present at VA-sponsored national conferences in order to ensure that these presentations fully comply with existing privacy law, rules, and policies. All VA organizations have a designated Privacy Officer. Presenters from Office of Information and Technology (OIT) Field Offices without Facility Privacy Officers must submit their presentations and any associated materials to the VA OIT Privacy Officer for final review. Privacy Officers must not approve presentations that do not comply with the conventions in Appendix A.

(2) Facility or Staff Office Privacy Officers will establish local policies for the processing and reviewing of presentations and corresponding material submitted for their review and approval/disapproval.

(3) After reviewing the presentation and verifying that no PII or information exempt from release under FOIA is present, Facility Privacy Officers, Staff Office Privacy Officers, or their appropriate alternates must sign the VA Form 0897 provided to them by presenters. By signing Form 0897, Privacy Officers attest to the accuracy of their reviews.

(4) Once the presentation has been reviewed and the VA Form 0897 is signed, the presentation, its associated materials and the Form 0897 shall be submitted to the presenter for him or her to provide to the event organizer.

(5) If the presentation materials must be changed prior to the date of the presentation but after the privacy review has taken place, the presenter is responsible for reviewing the presentation to ensure that it does not contain PII or information exempt from release under FOIA. The Facility or Staff Office Privacy Officers are not responsible for these reviews though they are encouraged to provide assistance or guidance upon request.

(6) If there is a disagreement between the presenter and Facility Privacy Officer regarding the privacy review of a presentation or its corresponding materials, the Administration (VHA, VBA, BVA or NCA) Privacy Officer must be contacted by the Facility Privacy Officer for a final decision. Where the disagreement involves a Staff Office Privacy Officer, the final decision will be made by the VA Privacy Service. Questions involving Protected Health Information (PHI) must be referred to the VHA Privacy Office.

(7) Facility or Staff Office Privacy Officers may establish their office policies for the processing and reviewing of presentations and corresponding materials submitted for their review and approval/disapproval.

d. Event Organizers.

(1) Event organizers must develop and utilize a process to ensure that all presentations and corresponding documents to be presented at any VA-sponsored national conference (and requiring a privacy review) are reviewed and approved by the appropriate Privacy Officer, and that the signed VA Form 0897 and approved presentation is received. The process established must allow for the retention of the certification forms in accordance with the applicable records schedule once the presentation has been completed.

(2) Event organizers shall inform presenters at VA-sponsored national conferences of how the privacy review process will be conducted. The presenters will be instructed by the event organizer to contact their Facility Privacy Officers to initiate the privacy review process if necessary. Where the presenter works at a VA Staff Office, that presenter will be referred to his or her Staff Office Privacy Officer.

(3) Event organizers are responsible for ensuring the availability of the final version of a presentation and associated materials for VA-sponsored national conferences once a signed VA Form 0897, the presentation and any associated materials are received from appropriate Privacy Officer or the presenter.

(4) If dispute arises between the event organizer or presenter and the facility or staff office Privacy Officer regarding the requirements of this Directive, the first level of resolution shall be the Administration or Staff Office Privacy Officer, as appropriate. The Director, VA Privacy Service will provide final disposition on all disputes that arise in regards to the requirements of this Directive.

e. Staff Office and Administration-level Privacy Officers.

(1) VHA Privacy Officer. The VHA Privacy Officer or designee within the VHA Privacy Office shall review and respond to all questions involving PHI if a VHA Facility Privacy Officer is unavailable or a disagreement arises between the Facility Privacy Officer and the presenter that cannot be resolved.

(2) Veterans Benefits Administration (VBA) Privacy Officer. The VBA Privacy Officer shall review all questions involving Personally-Identifiable Information (PII) if a VBA Facility Privacy Officer is unavailable or a disagreement arises between the Facility Privacy Officer and the presenter that cannot be resolved.

(3) National Cemetery Administration (NCA) Privacy Officer. The NCA Privacy Officer shall review all questions involving PII if a NCA Facility Privacy Officer is unavailable or a disagreement arises between the Facility Privacy Officer and the presenter that cannot be resolved.

(4) VA OIT Privacy Officer. The VA OIT Privacy Officer will review all presentations and associated materials from OIT Field Offices that do not have a Facility Privacy Officer, and answer questions related to PII, as appropriate.

(5) Procedures governing the submission of presentations and associated materials to the VA Staff Office and Administration-level Privacy Officers may differ from the procedures established for submissions to Facility and Staff Office Privacy Officers. Procedures governing submissions to the OI&T Privacy Officer are found in Appendix A.

4. REFERENCES

- a. Health Insurance Portability and Accountability Act (HIPAA) of 1996, Pub. L. 104-191, 42 USC § 201 et seq.
- b. VA Directive 6502, VA Enterprise Privacy Program.
- c. VA Handbook 8500, Public Affairs Handbook.
- d. 5 U.S.C. 552a, Privacy Act of 1974.
- e. 38 U.S.C. 5701, Confidential Nature of Claims, 38 CFR 1.500-527.
- f. 38 U.S.C. 5705, Confidentiality of Medical Assurance Records, 37 CFR 17.500-511.
- g. 38 U.S.C. 7332, Confidentiality of Certain Medical Records, 38 CFR 1.460-496.

5. DEFINITIONS

- a. **Associated Materials.** For purposes of this Directive, associated materials consist of any information that is disseminated concomitantly with any presentation. Associated materials include any communication in any medium capable of disseminating information.
- b. **Event Organizer.** An Event Organizer is any entity or person within VA who is in charge of organizing a VA-sponsored national conference or any other national event during which a presentation will be delivered or recorded for future broadcast.
- c. **Freedom of Information Act.** The Freedom of Information Act (FOIA) (5 U.S.C. § 552 et seq.) provides for the disclosure of information held by administrative agencies to the public, unless the documents requested fall into one of the specific exemptions set forth in the statute. Therefore, information exempt from release under FOIA is information that falls into one of the specific exemptions set forth in the statute.
- d. **Non-VA Party.** A non-VA party is any person who is not a VA employee, volunteer, trainee, contractor, other VA appointee, a business partner with which VA

has an active memorandum of understanding or business associate agreement, or any other entity with a legal authority to access the information for the performance of his or her official VA duties or any group comprised of such persons.

e. **Personally-Identifiable Information (PII).** For purposes of this Directive, PII shall be a subcategory of VA Sensitive Information as defined by VA Handbook 6500, Information Security Program. PII is any information about an individual that can reasonably be used to identify that individual that is maintained by VA, including but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, telephone number, driver's license number, credit card number, photograph, finger prints, biometric records, etc., including any other personal information which is linked or linkable to an individual.

f. **Presentation.** For purposes of this Directive, a presentation is the audio or visual provision of information to an audience in any VA forum.

g. **Presenter.** A presenter is any VA employee, contractor, volunteer, trainee or business associate who conducts a presentation in the performance of his or her official VA duties or who conducts a presentation while providing services to VA.

h. **Protected Health Information (PHI).** For purposes of this Privacy Service Directive, PHI shall be considered a subcategory of PII. This term applies only to Individually Identifiable Health Information that is under the control of VHA, as VA's only Covered Entity under HIPAA. PHI is health (including demographic) data that is transmitted by, or maintained in, electronic or any other form or medium, and relates to (1) the past, present, or future physical or mental health, or condition of an individual; (2) provision of health care to an individual; or (3) past, present, or future payment for the provision of health care to an individual, and that identifies the individual, or for which there is a reasonable basis to believe it can be used to identify the individual. If the information identifies or provides a reasonable basis to believe it can be used to identify an individual, it is considered individually identifiable health information. *Note: PHI excludes employment records held by a covered entity in its role as an employer.*

Guidelines for Sanitizing Presentations

1. Names and Demographic Information

When it is necessary to use an actual name or other demographic information for the purposes of presenting or illustrating screenshots, the presenter must have a signed authorization¹ or other document indicating consent from the subject or the following naming conventions **must** be used. If there is no signed authorization for use of a name, the following substitutes may be used.

a. Names

Substitute terms that are relevant to the presentation such as “Veteran One”, “Patient One”, “Beneficiary One”, “Employee One”, must be used instead of an actual name.

NOTE: *Listing the actual names of individual presenters within a presentation is **not** considered a privacy violation.*

d. Dates of Birth

The year of birth should be changed to 1900 unless the date is needed for clinical relevance (e.g., juvenile diabetes patient).

e. Social Security Numbers

No social security numbers shall be used in any presentation

f. Addresses

Addresses must be unidentifiable. States or zip codes can be used as long as the rest of the address is unidentifiable. Always use zeros in place of house numbers. An example of an acceptable unidentifiable address is:

000 Maple Lane
Anytown, USA 20420

1. Authorization is required by the HIPAA Privacy Rule for uses and disclosures of Protected Health Information (PHI) not otherwise allowed by the Rule. An authorization is a detailed document that gives covered entities permission to use PHI for specified purposes, which are generally other than treatment, payment, or health care operations, or to disclose PHI to a third party specified by the individual. An authorization must specify a number of elements, including a description of the PHI to be used and disclosed, the person authorized to make the use or disclosure, the person to whom the covered entity may make the disclosure, an expiration date, and, in some cases, the purpose for which the PHI may be used or disclosed.

2. Images or Pictures

A picture that could be used to identify an individual cannot be used in a presentation unless it is in the public domain, is taken of a VA employee in a public area of a VA facility (e.g., lobby or other area designated as public), has been licensed for use by VA, or a signed VA Form 10-3203, Consent for Use of Picture and/or Voice or VA Form 20-0817, Consent for Use of Picture and/or Voice has been obtained. For presentations during which information pertaining to a patient is disclosed, a VA Form 10-5345 must also be used.

- a. Methods for the blurring of faces include using PhotoFiltre™, Microsoft Paint™, PhotoShop™ or any other photo altering software to render the image unidentifiable. For presentations that will be made publicly available in electronic form, appropriate steps must be taken to ensure that the blurring of facial images cannot be reversed.
- b. Non-facial images such as x-rays or Magnetic Resonance Imaging (MRI) must not be specific enough or have attributes that would make it possible to identify the subject. In addition to identifiable images, all “artificial identifiers”, such as name, SSN, or any part of a SSN, must be removed from any image or picture.
- c. If the image cannot be edited, the identifiers must be obscured, or the image cannot be used.
- d. If slides are redacted, screen prints of the slides should be used due to the ability to remove the redaction box to reveal Personally-Identifiable Information (PII).
- e. For patient images or photographs that are attained from any VHA facility or office, a VA Form 10-5345 (Request for and Authorization to Release Medical Records or Health Information) must be signed authorizing disclosure of the photo for presentations before the photo can be used in a presentation.

NOTE: *If both VA Form 10-5345 and 10-3203 or 20-0817 are not signed and in the possession of the presenter, the photo **cannot be used** for a presentation. If the photo was originally taken for treatment purposes and is taken from the health record, then VA Forms 10-3203 or 20-0817 are **not** required.*

3. Graphs with Embedded PII

Graphs that are the direct product of a spreadsheet program such as Microsoft Excel™ must be screen-captured before being placed in a presentation so that no one is able to open the spreadsheet behind the program to reveal any PII that may have been used to create the graph.

4. Copyrights and Trademarks

Copyright and Trademark issues must be addressed when a picture or other non-government sourced image is used. Evidence of special permission must be provided at the time of submission to the Privacy if the images are not government sourced, not in the public domain or subject to a VA-owned license. Refer copyright and trademark issues to your Facility/General Counsel, Library Service or Medical Media Service for guidance.

5. Submission of Presentations to the VA OIT Privacy Officer

Procedures for the submissions to the OIT Privacy Office may differ from the procedures established for Facility and Staff Office Privacy Officers. In some cases, the OIT Privacy Officer may review presentations of outside parties.

If the presenter is an OIT employee, is located at an OIT Field Office, or is from outside VA, but will be presented at a VA-sponsored event, the VA OIT Privacy Officer will review the presentation and sign the VA Form 0897 as the Privacy Officer.

All presentations to be reviewed by the VA OIT Privacy Officer must be in PowerPoint™ format and submitted to the VA Privacy Service Mailbox at privacyservice@va.gov.

All emails containing submissions to the VA Privacy Service must state in the subject line what is included in the submission, as well as the title of the presentation. The accompanying VA Form 0897 must indicate the same title as the presentation that is provided.

Resubmissions that are emailed to the VA Privacy Service mailbox should indicate what is being submitted, the title of the presentation, and indicate "resubmission" in the subject line of the email.

A signed VA Form 0897 must be submitted simultaneously with all presentations. This form may be signed and submitted electronically to privacyservice@va.gov, or may be submitted via facsimile to the VA Privacy Service at 202-273-0443.

Presenters should allow 5 work days for processing of the package by the VA OIT Privacy Officer.

JANUARY 7, 2011

VA DIRECTIVE 6511
APPENDIX B

 Department of Veterans Affairs		ACKNOWLEDGEMENT OF REVIEW FOR PERSONALLY-IDENTIFIABLE INFORMATION	
I have received, read, and agree to abide by the guidance contained in the Department of Veterans Affairs (VA) Directive 6511, Presentations Displaying Personally-Identifiable Information. I commit to ensuring that personally-identifiable information and information exempt from release under FOIA do not appear in presentations made available to non-VA parties, whether attendees or members of the general public. I specifically acknowledge the requirement to follow the Guidelines for Sanitizing Presentations.			
PRESENTATION NAME			
DATE(S) PRESENTED		LOCATION OF PRESENTATION	
ATTESTED THIS DAY OF ,20			
NAME OF EMPLOYEE <i>(Type or Print)</i>		SIGNATURE OF EMPLOYEE	
DATE		ADMINISTRATION (VHA, VBA, NCA, OR VA)	
(To be kept on file according to administration or staff office record keeping policies.)			

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