

**BOARD OF RETIREMENT POLICY
BOARD MEMBER PROTECTION OF DISABILITY RECORDS**

Revised: September 7, 2006

PURPOSE:

LACERA is required by law to protect the privacy of its members' records. The disability retirement evaluation process presents a special challenge because of the large volume of medical records and other confidential information that must be distributed to physicians and members of the Board and LACERA staff.

In addition to basic privacy protections required by the 1937 Law and the Health Insurance Portability and Accountability Act (HIPAA), other laws that require LACERA to protect this information include:

- 1) the Health Insurance Information and Privacy Protection Act,
- 2) the Confidentiality of Medical Information Act, and
- 3) the California Health and Safety Code Sections 123110 et seq.

The Board of Retirement is establishing this policy for its members to follow in order to safeguard the confidentiality of the large number of documents and confidential information that they review in connection with the disability retirement evaluations.

LACERA'S DISABILITY RECORD PROTECTIONS:

The Disability Retirement Services Division (Disability Division), with the help of LACERA's Privacy Officer, has implemented a number of safeguards to protect the privacy of each applicant for disability retirement and minimize LACERA's exposure to liability when handling disability records. These safeguards include:

- 1) authorization requirements for data collection and access,
- 2) storage security,
- 3) chain of custody control and accountability,
- 4) copying control,
- 6) distribution control, and
- 7) destruction control.

The Disability Division carefully controls the copying of disability records. Proper authorizations must be on file, the copying must be done in a secure environment by designated staff, and the copies are accounted for until they are delivered to a final destination or destroyed. When confidential records are sent to a person or agency outside of LACERA, they are sent in a manner that preserves privacy. When the records are returned to LACERA, they are securely filed or destroyed using certified and bonded services.

These procedures help LACERA's staff fulfill their obligation to protect the confidentiality of member records.

BOARD OF RETIREMENT POLICY:

LACERA staff are required to observe the document control, privacy and security rules established to protect member disability records and related confidential information. These rules apply regardless of form. The records or information may be on paper, in electronic computer files, in audio and video recordings, or in any other medium. In support of staff's efforts, the Board of Retirement and its committees hereby adopt similar controls. Specifically:

Storage

Board Members are required to protect any member personal information in their possession from inappropriate access as stated in LACERA's Privacy Policy. This includes storing and transporting this information securely using reasonable safeguards, such as locked filing systems protected from misappropriation. Any electronic data should be protected using safeguards prescribed by LACERA's Security Officer.

Usage by LACERA and its Associates

Use of member personal information should be limited to the minimum amount necessary to achieve the authorized objective, the processing of the disability application. Unless otherwise authorized by the member, this means that member personal information connected with an application for disability may only be used by or discussed with those designated staff and associates of LACERA directly involved in the specific member's disability application process. Any such discussion or examination of member personal information should be conducted in a private environment away from unauthorized hearing or viewing. For instance, during Board of Retirement disability meetings, member personal information may only be discussed in a closed session.

Sharing with External Parties

If any party outside of LACERA, including the disability applicant, requests from board members any information contained in disability records, the board member should direct the requesting party to the Disability Division so that any exchange of information is controlled and secured.

Copying

To ensure the effectiveness of procedures established to secure confidential records, LACERA's board members may not copy for any purpose any member disability records in their possession. In addition, they may not copy or remove from LACERA's premises any electronic recordings of Board executive sessions.

Return of Records

Board members must leave disability records intact in the Boardroom for proper accounting and destruction at the close of the board meeting in which the applications are adjudicated.

Enforcement

Board members who become aware of conditions which may increase the risk that member disability records can be compromised should immediately notify the Disability Division, LACERA's Privacy Officer, or LACERA's Executive office so that appropriate steps may be taken to correct the condition or mitigate the risk.

The Board of Retirement may investigate and address any suspected violation of this policy in a manner consistent with LACERA's privacy policy, the Board of Retirement's ethics policy, other policies regarding board member conduct and dispute resolution, and applicable laws.