



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 27 2003

To Administrators of hospitals and health care organizations:

This letter documents the determination that the National Highway Traffic Safety Administration (NHTSA) is a “public health authority” within the meaning of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations. Consequently, as further described below, the agency is entitled to receive individually-identifiable information about health care recipients from hospitals and other health care organizations.

NHTSA’s mission is to prevent and reduce deaths, injuries and economic losses resulting from automotive travel on our nation’s roadways. To accomplish this mission, NHTSA has statutory authority and, indeed, a Congressional mandate to conduct crash injury research and collect relevant data in the interest of public health.

The agency’s statutory authority derives from a variety of sources. For example, NHTSA has the authority to “engage in research on all phases of highway safety and traffic conditions” (23 U.S.C. § 403(a)(1)), to undertake collaborative research and development projects with non-Federal entities for the purposes of crash data collection and analysis (23 U.S.C. § 403(f)(1)), and to conduct research and collect information to determine the relationship between motor vehicles and accidents, and personal injury or deaths resulting from such accidents (49 U.S.C. § 30168(a)(1)).

Beginning April 14, 2003, the medical privacy requirements of HIPAA will be implemented through a privacy rule that restricts the disclosure of “protected health information,” which is defined as individually-identifiable health information. However, this rule permits the disclosure of protected health information to a “public health authority.” Guidance issued by the Department of Health and Human Services makes it clear that:

The HIPAA Privacy Rule recognizes the legitimate need for public health authorities and others responsible for ensuring public health and safety to have access to protected health information to carry out their public health mission . . . the [Privacy] Rule permits covered entities to disclose protected health information without authorization for specified public health purposes.



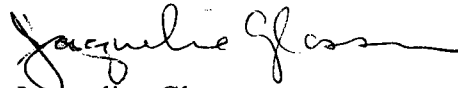
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On the basis of a careful review of the HIPAA, its implementing regulations, and the applicable guidance, we have determined that NHTSA is such a “public health authority.” As such, NHTSA is entitled to receive protected health information without the need for further authorization. (Please note that NHTSA safeguards privacy interests and does not release data containing personal identifiers.) Enclosed is a copy of a notice, published in the *Federal Register*, containing more details about this determination.

Sincerely,



Jeffrey W. Runge, M.D.
Administrator



Jacqueline Glassman
Chief Counsel