

Assurances of Confidentiality

Purpose

An Assurance of Confidentiality is a formal confidentiality protection authorized under Section 308(d) of the Public Health Service Act. It is used for projects conducted by CDC staff or contractors that involve the collection or maintenance of sensitive identifiable or potentially identifiable information. This protection allows CDC programs to assure individuals and institutions involved in research or non-research projects that those conducting the project will protect the confidentiality of the data collected. The legislation states that no identifiable information may be used for any purpose other than the purpose for which it was supplied unless such institution or individual has consented to that disclosure.

Statutory Authority

Under section 308(d) of the Public Health Service Act surveys conducted by the National Center for Health Statistics (NCHS) as part of their authorizing legislation are automatically protected by an Assurance of Confidentiality. In addition, Assurances of Confidentiality may be issued to projects conducted by all other CDC components, after formal application to and approval by the CDC Confidentiality Review Group has been obtained.

Information about institutions and/or individuals of research or non-research projects that involve the collection or maintenance of sensitive identifiable or potentially identifiable information and for which an Assurance of Confidentiality has been approved is protected. At CDC, the 308(d) assurance has most often been used to protect sensitive identifiable data for non-research projects, but has also been used for research studies collecting sensitive identifiable data.

Montana Statutory Authority

The Government Health Care Information Act (GHCIA), Montana Code Annotated [50-16-601](#), et seq. provides strong protections for the confidentiality of health care information maintained by the Department. The Act allows release "for statistical purposes, if no identification of individuals can be made from the information released."

Montana Code Annotated [44-5-303](#) allows the dissemination of confidential criminal justice information. Montana Violent Death Reporting System has been designated a recipient of criminal justice information by Executive Order.

Montana Code Annotated, [46-4-123](#), states the coroner shall make a full report of the facts discovered in all human deaths requiring inquiry under provisions of [46-4-122](#) in the Montana coroner death management system or provide the report in a reasonable amount of time. If the death is ruled suicide, the toxicology testing results must also be made available.