

§ 164.400

45 CFR Subtitle A (10–1–10 Edition)

Standards	Sections	Implementation Specifications (R)=Required, (A)=Addressable
Assigned Security Responsibility	164.308(a)(2)	Sanction Policy (R) Information System Activity Review (R) (R) Authorization and/or Supervision (A) Workforce Clearance Procedure Termination Procedures (A) Isolating Health care Clearinghouse Function (R) Access Authorization (A) Access Establishment and Modification (A) Security Reminders (A) Protection from Malicious Software (A) Log-in Monitoring (A) Password Management (A) Response and Reporting (R) Data Backup Plan (R) Disaster Recovery Plan (R) Emergency Mode Operation Plan (R) Testing and Revision Procedure (A) Applications and Data Criticality Analysis (A) (R) Written Contract or Other Arrangement (R)
Workforce Security	164.308(a)(3)	
Information Access Management	164.308(a)(4)	
Security Awareness and Training	164.308(a)(5)	
Security Incident Procedures	164.308(a)(6)	
Contingency Plan	164.308(a)(7)	
Evaluation	164.308(a)(8)	
Business Associate Contracts and Other Arrangement.	164.308(b)(1)	
Physical Safeguards		
Facility Access Controls	164.310(a)(1)	Contingency Operations (A) Facility Security Plan (A) Access Control and Validation Procedures (A) Maintenance Records (A) (R) (R) Disposal (R) Media Re-use (R) Accountability (A) Data Backup and Storage (A)
Workstation Use	164.310(b)	
Workstation Security	164.310(c)	
Device and Media Controls	164.310(d)(1)	
Technical Safeguards (see § 164.312)		
Access Control	164.312(a)(1)	Unique User Identification (R) Emergency Access Procedure (R) Automatic Logoff (A) Encryption and Decryption (A) (R) Mechanism to Authenticate Electronic Protected Health Information (A) (R) Integrity Controls (A) Encryption (A)
Audit Controls	164.312(b)	
Integrity	164.312(c)(1)	
Person or Entity Authentication	164.312(d)	
Transmission Security	164.312(e)(1)	

Subpart D—Notification in the Case of Breach of Unsecured Protected Health Information

SOURCE: 74 FR 42767, Aug. 24, 2009, unless otherwise noted.

§ 164.400 Applicability.

The requirements of this subpart shall apply with respect to breaches of protected health information occurring on or after September 23, 2009.

§ 164.402 Definitions.

As used in this subpart, the following terms have the following meanings:

Breach means the acquisition, access, use, or disclosure of protected health information in a manner not permitted under subpart E of this part which compromises the security or privacy of the protected health information.

(1)(i) For purposes of this definition, *compromises the security or privacy of the protected health information* means poses a significant risk of financial, reputational, or other harm to the individual.

(ii) A use or disclosure of protected health information that does not include the identifiers listed at § 164.514(e)(2), date of birth, and zip code does not compromise the security or