SACVALLEY MEDSHARE	POLICY: *Mitigation*	POLICY NUMBER: *SVMS-07.001*
Compliance Requirement	Author: Elizabeth L Steffen	Origination Date: 07/16/2015
45 C.F.R. § 164.530(f)	Revised By:	Revised Date:

Purpose and Principles:

The purpose of the Mitigation policy is to reflect the privacy principles of remedies, accountability and oversight, security safeguards and controls, openness and transparency, and data integrity and quality. Without the duty to mitigate harm from privacy violations, Participants may not promptly address data security weaknesses or breaches which could lead to greater privacy lapses in the future, diminish the confidence that individuals have in Participants' privacy practices, and compromise the accuracy, integrity, and quality of Participants' data.

Scope and Accountability:

This policy applies to SacValley MedShare (SVMS) and all Participants, which includes their Business Associates and contractors that may provide, make available, or request information through SVMS and is applied in conjunction with SVMS-11 (Workforce, Agents, and Contractors).

Policy Statement:

Duty to Mitigate: Each Participant shall implement a process to mitigate, and shall mitigate to the extent practicable, the harmful effects that are known to the Participant of an access, use or disclosure of protected health information through the System that is in violation of applicable laws and/or regulations and/or these Policies and that is caused or contributed to by the Participant or its workforce members, agents, and contractors. Steps to mitigate could include, among other things, Participant notification to the individual or Participant request to the party who improperly received such information to return and/or destroy impermissibly disclosed information.

Duty to Cooperate: A Participant that has caused or contributed to a privacy breach or that could assist with mitigation of the effects of such breach shall cooperate with SVMS and with another Participant that has the primary obligation to mitigate a breach in order to help mitigate the harmful effects of the breach. This obligation exists whether the Participant is directly responsible or whether the breach was caused or contributed to by members of the Participant's workforce or by its business associates or contractor or their workforce.

Notification to SVMS: A Participant that has caused or contributed to a privacy breach or that could assist with mitigation of the effects of such breach shall cooperate with SVMS and with another Participant that has the primary obligation to mitigate a breach in order to help mitigate the harmful effects of the breach. This obligation exists whether the Participant is directly responsible or whether the breach was caused or contributed to by members of the Participant's workforce or by its business associates or contractor or their workforce.

Application to Business Assocates and Contractors: Participants shall make this policy applicable to their business associates and to the contractors and subcontractors of their business associates as they deem appropriate through the terms of their business associate agreements.

The parties waive any objections and agree to the venue and personal jurisdiction of the courts of the State of California and the federal courts situated in Butte County.

Authorization	Name	Signature	Date
Board Chair	Myron Machula	[illegible]	12.3.15
Compliance Officer			
Executive Director			

Reference:

Central Illinois Health Information Exchange Privacy Policies. (2011, December).

Markel Foundation. (2015, July). *P2: Model Privacy Policies and Procedures for Health Information Exchange.* Retrieved July 16, 2015 from http://www.markle.org/health/markle-common-framework/connecting-professionals/p2

Version	**Date**	**Author**	**Comment**
.001	11/05/2015	E. Steffen/D. LeFevre/Dr. Dorsey-Tyler/J. Helvey	Initial release.