



## Clinic Turns Lost Trash into Security Treasure

### DETERMINING WHETHER A BREACH OCCURRED

A health clinic wasn't sure if it had experienced a data breach when a cleaning crew mistakenly threw out documents containing patients' personal health information (PHI). The clinic had a security protocol that required sensitive documents be placed in secure recycling bins. When the bins were full, the documents were shredded. But the clinic's cleaning crew had a new employee who was unaware of this protocol. He emptied the bins into garbage bags that were placed in a locked Dumpster. The clinic was concerned the incident constituted a data breach that required compliance with federal health security laws including the Health Insurance Portability and Accountability Act (HIPAA).

### INDUSTRY TYPE

Healthcare

### BUSINESS SIZE

Small

### BREACH

No breach

### AFFECTED INDIVIDUALS:

None

### HOW CYBERSOUT HELPED

The health clinic's commercial insurance policy included privacy breach coverage provided by CyberScout's DataRiskStages<sup>®</sup>. The clinic's management shared their concerns with CyberScout's breach response team, and CyberScout:

- Determined with the clinic's legal counsel that the incident did not constitute a breach
- Outlined the need for comprehensive documentation of the non-breach in the event of an audit from the U.S. Department of Health and Human Services
- Involved and guided the clinic's HIPAA lawyer through the documentation process
- Helped the clinic change its practices and document its new and improved document disposal protocols

In the course of the investigation, the lawyer learned that the Dumpster holding the sensitive documents was kept locked. The garbage was transported from the secured Dumpster to a sealed garbage truck to a facility that incinerated all its trash within a secured and compartmentalized area. CyberScout concluded that while the situation was not, in fact, a breach, the clinic needed to take steps to protect itself with thorough documentation.

### RESOLUTION

The healthcare industry is subject to federal health security laws that make it just as important for businesses to document non-breaches as it is to document actual breaches. CyberScout advised the clinic to invest the time in a detailed document of the non-breach event, guided the clinic and the lawyer through that process, and helped to change protocols for destroying sensitive data. ■