



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**JOSH STEIN** • Governor

**DEVDUTTA SANGVAI** • Secretary

**KAREN BURKES** • Acting Deputy Secretary for Health

**KELLY KIMPLE** • Acting Director, Division of Public Health

January 21, 2025

**MEMORANDUM**

**TO:** Healthcare Facilities, Healthcare Providers, and Laboratories

**FROM:** Kelly Kimple, MD, MPH *Kelly Kimple*  
Interim State Health Director  
Acting Division Director, Division of Public Health  
N.C. Department of Health and Human Services

**SUBJECT:** Permitted Disclosures for Public Health Activities Under HIPAA

This memorandum letter clarifies disclosures for public health activities under the Health Insurance Portability and Accountability Act of 1996 and implementing regulations (HIPAA).

To carry out its mandated programs and functions to protect the health of the public, NCDHHS, Division of Public Health may request health-related information, including individually identifiable health information, that is necessary to prevent, control, or investigate diseases and health hazards that endanger public health.

HIPAA recognizes the need to balance public responsibility and patient privacy and includes provisions that permit certain disclosures of health information without requiring individual authorization. Under 45 C.F.R. § 164.512(b)(1)(i), HIPAA permits, without an individual's authorization, disclosures to public health authorities that are "authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions." NCDHHS, Division of Public Health is a public health authority as defined by HIPAA at 45 C.F.R. § 164.501.

Pursuant to N.C.G.S. § 130A-15(a), "[h]ealth care providers and persons in charge of health care facilities or laboratories shall, upon request and proper identification, permit the State Health Director to examine, review, and obtain a copy of records containing privileged medical information or information protected under the Health Information Portability and Accountability Act (HIPAA) medical privacy rule, 45 C.F.R. Parts 160 and 164, that the State Health Director deems are necessary to prevent, control, or investigate a disease or health hazard that may present a clear danger to the public health."

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH**

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Pursuant to N.C.G.S. §130A-144(b), “[p]hysicians, persons in charge of medical facilities or laboratories, and other persons shall, upon request and proper identification, permit ... the State Health Director to examine, review, and obtain a copy of medical or other records in their possession or under their control which the State Health Director ... determines pertain to the (i) diagnosis, treatment, or prevention of a communicable disease or communicable condition for a person infected, exposed, or reasonably suspected of being infected or exposed to such a disease or condition, or (ii) the investigation of a known or reasonably suspected outbreak of a communicable disease or communicable condition.”

Requests for records or information for the purposes set out in N.C.G.S. § 130A-15 or 130A-144(b) that are received from verified NCDHHS, Division of Public Health staff and accompanied by this memorandum letter should be considered legitimate.

All records containing individually identifiable health information disclosed to NCDHHS, Division of Public Health pursuant to this authority remain confidential under North Carolina law, including, as applicable, N.C.G.S. §§ 130A-15(b), 130A-143, and 130A-12, and are not public record. In addition, the Division is committed to safeguarding individually identifiable health information by following NCDHHS policies and procedures that are compliant with the HIPAA security standards.

The Division also provides assurance that the information requested for disclosure is the minimum necessary to accomplish this purpose. HIPAA enables covered entities to rely on the judgment of the public health authority requesting disclosure as to the minimum amount of information that is needed.<sup>i</sup>

The Division is committed to fulfilling its responsibilities for protecting the public's health according to federal and state law. Health care providers, facilities, and laboratories serve essential and instrumental roles in the public health system and the Division is committed to continuing these partnerships in order to promote and ensure the public's health.

If you have questions regarding this memorandum, please reach out to Virginia Niehaus, Director of Regulatory and Legal Affairs, at (919) 634-0184 or [virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov).

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<sup>i</sup> <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/minimum-necessary-requirement/index.html>