

Comments of the Social Security Administration

On behalf of the Social Security Administration, we appreciate the opportunity to comment on this proposed rule. We requested comment from throughout the agency; the following represents all responses received.

General Comments and Recommendations

The one general comment sent forward recommends harmonization between HHS, FTC, and OMB rules and regulations on breach reporting and notification. Given the environment in which entities with different reporting requirements will be exchanging information, such harmonization could reduce confusion and enhance the growth and exchange of health information.

Specific Comments

Proposed Section 318.2: Definitions

Our comment/recommendation deals specifically with the definition of "PHR Related Entity." As a non-HIPAA covered Federal entity, we are concerned that the language as stated could read to include SSA, adding to our existing responsibilities under OMB guidance, not to mention the one hour window for reporting to US-CERT.

We would propose adding the following (or similar) language to the definition:

"Federal Agencies which are not HIPAA covered entities or business associates are not included in this definition, as their breach reporting requirements are established by the Office of Management and Budget"