



FOH

Federal Occupational Health
a component of the US Public Health Service



PRIVACY ACT NOTICE TO PATIENTS

The following information is provided in order to comply with the requirements of the Privacy Act of 1974, and is consistent with the provisions of 5 CFR Parts 293 and 297.

The health services you receive through this Division of Federal Occupational Health (DFOH) program result in the gathering and recording of information that is personal and may be confidential. Under the authority of interagency agreements with your employing agency, DFOH serves as a custodian of your records for the duration of those agreements. Upon termination of agreements with DFOH, the original documents or copies of your records will be transferred to your Employee Medical Folder (EMF) in your employing agency's Employee Medical File System (EMFS). These records are stored as a distinct and separate part of your Official Personnel Folder. Your records are collected and maintained for a variety of purposes, including:

- (a) to ensure that records required to be retained on a long-term basis to meet the mandates of law, Executive order, or regulations (e.g., the Department of Labor's Occupational Safety and Health Administration (OSHA) and OWCP regulations), are so maintained;
- (b) to provide data necessary for proper medical evaluations and diagnoses, to ensure that proper treatment is administered, and to maintain continuity of medical care;
- (c) to provide an accurate medical history of the total health care and medical treatment received by the individual as well as job and/or hazard exposure documentation and health monitoring in relation to health status and claims of the individual;
- (d) to enable the planning for further care of the patient;
- (e) to provide a record of communications among members of the health care team who contribute to the patient's care;
- (f) to provide a legal document describing the health care administered and any exposure incident;
- (g) to provide a method for evaluating quality of health care rendered and job-health-protection including engineering protection provided, protective equipment worn, workplace monitoring, and medical exam monitoring required by OSHA or by good practice;
- (h) to ensure that all relevant, necessary, accurate, and timely data are available to support any medically-related employment decisions affecting the subject of the records (e.g., in connection with fitness-for-duty and disability retirement decisions);
- (i) to document claims filed with and the decisions reached by the OWCP and the individual's possible reemployment rights under statutes governing that program;
- (j) to document employee's reporting of on-the-job injuries or unhealthy or unsafe working conditions, including the reporting of such conditions to the OSHA and actions taken by that agency or by the employing agency;
- (k) to ensure proper and accurate operation of the agency's employee drug testing program under Executive Order 12564.

Under an interagency agreement with your employer (authorized by 5 USC 7901, and section 403 of the Government Management Reform Act, Public Law 103-356), DFOH serves as a custodian of your occupational health records while that agreement is in effect. Unless it is with your written consent, the information in your EMF may be disclosed only for specified "routine uses" or the other grounds for disclosure provided for by the Privacy Act. The routine uses allowed for information in your EMF are listed on the back of this sheet.

Your receipt of health services from DFOH, and your submission of confidential information to your EMF through the DFOH program, are not mandated by DFOH. If you do not wish to participate in these services, or to provide the requested information, you are not required to do so. However, if the health services requested pertain to job-related clearances, and you decline to participate, you should consult with your supervisor. The absence of documented medical clearances in your file may impact your employer's authority to permit you to perform certain functions of your position.



FOH

Federal Occupational Health
a component of the US Public Health Service



ROUTINE USES ALLOWED FOR EMPLOYEE MEDICAL FILE SYSTEM RECORDS

- a. To disclose information to the Department of Labor, Department of Veterans Affairs, Social Security Administration, Federal Retirement Thrift Investment Board, or a national, State, or local social security type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program.
- b. To disclose information to a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of communicable disease.
- c. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.
- d. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, other administrative body before which the agency is authorized to appear, when:
 1. The agency, or any component thereof; or
 2. Any employee of the agency in his or her official capacity; or
 3. Any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or
 4. The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
- e. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.
- f. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
- g. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.
- h. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- i. To disclose information to the Merit System Protection Board or the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, arbitrators, and hearing examiners to the extent necessary to carry out their authorized duties.
- j. To disclose information to survey team members from the Joint Commission on Accreditation of Hospitals (JCAH) when requested in connection with an accreditation review, but only to the extent that the information is relevant and necessary to meet the JCAH standards.
- k. To disclose information to the National Archives and Records Administration in records management inspections and its role as Archivist.

ATTACHMENT B

- l. To disclose information to health insurance carriers contracting with the Office to provide a health benefits plan under the Federal Employees Health Benefits Program information necessary to verify eligibility for payment of a claim for health benefits.
 - m. By the agency maintaining or responsible for generating the records to locate individuals for health research or survey response and in the production of summary descriptive statistics and analytical studies (e.g., epidemiological studies) in support of the function for which the records are collected and maintained. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study might be structured in such a way as to make the data individually identifiable by inference.
 - n. To disclose information to the Office of Federal Employees Group Life Insurance or Federal Retirement Thrift Investment Board that is relevant and necessary to adjudicate claims.
 - o. To disclose information, when an individual to whom a record pertains is mentally incompetent or under other legal disability, to any person who is responsible for the care of the individual, to the extent necessary.
 - p. To disclose to the agency-appointed representative of an employee, all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under--
 - (1) Medical evaluation (formerly Fitness for Duty) examinations procedures; or
 - (2) Agency-filed disability retirement procedures.
 - q. To disclose to a requesting agency, organization, or individual the home address and other information concerning those individuals who it is reasonably believed might have contracted an illness or been exposed to or suffered from a health hazard while employed in the Federal workforce.
 - r. To disclose information to a Federal agency, in response to its request or at the initiation of the agency maintaining the records, in connection with the retention of an employee, the issuance of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency; or the lawful, statutory, administrative, or investigative purpose of the agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
 - s. To disclose to any Federal, State, or local government agency, in response to its request or at the initiation of the agency maintaining the records, information relevant and necessary to the lawful, statutory, administrative, or investigatory purpose of that agency as it relates to the conduct of job related epidemiological research or the insurance of compliance with Federal, State, or local government laws on health and safety in the work environment.
 - t. To disclose to officials of labor organizations recognized under 5 U.S.C. chapter 71, analyses using exposure or medical records and employee exposure records, in accordance with the records access rules of the Department of Labor's OSHA, and subject to the limitations at 29 CFR 1910.20(e)(2)(iii)(B).
 - u. To disclose the results of a drug test of a Federal employee pursuant to an order of a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.
 - v. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement or job for the Federal Government.