

## NOTICE TO PRIVACY COMPLAINANTS

This notice describes how to file a privacy complaint and how it will be processed once received by the VA Health Care Facility Privacy Officer.

### PLEASE REVIEW IT CAREFULLY

Any individual, including Veterans and employees, have a right to file a privacy complaint if they are concerned that their privacy rights have been violated by the Department of Veterans Affairs (VA) and Veterans Health Administration (VHA). An individual filing a privacy complaint will not face retaliation by any VA/VHA organization or VA/VHA employee.

A **privacy complaint** may be filed with:

- The VA health care facility's Privacy Officer, where you receive care or where you work. For a list of VA Health Care Facilities and telephone numbers visit, <https://www.va.gov/find-locations>
- VA Privacy Service Hotline by dialing 202-273-5070 or by email to [PrivacyService@va.gov](mailto:PrivacyService@va.gov)
- VHA Privacy Office by dialing 1-877-461-5038 or by writing the VHA Privacy Office, Office of Health Informatics (105HIG) at 810 Vermont Avenue NW, Washington, D.C., 20420, or faxing a complaint to 202-495-5636.
- The U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html> if the privacy complaint is regarding health information maintained by VHA.
- The VA Office of the Inspector General (OIG) at <http://www.va.gov/oig/contact/default.asp> if the complaint relates to fraud, waste or abuse.

**Privacy complaints do not have to be in writing, though it is recommended to ensure your specific privacy concerns are adequately addressed.** All privacy complaints will be reviewed and examined by a Privacy Officer. The Privacy Officer assigned depends on the VA health care facility where the complaint originated or VHA Program Office that collects and stores the records for which you have a privacy concern.

## REQUIRED INFORMATION FOR PRIVACY COMPLAINT REVIEW

- Complainant's name, contact information, e.g., phone number, and mailing address for receipt of response letter.
- Details and dates surrounding the privacy complaint sufficient to address the matter.
- Names of employees involved including both the offending employee and employee witnesses, if known.
- Any supporting documentation, e.g., prior correspondence.

Complaints submitted related to record access concerns must clearly identify the date and employee name of concern from the Sensitive Patient Access Report (SPAR), or other source if available. Privacy Officers will not conduct a review of all entries on the SPAR without a specific date or employee name identified.

## WHAT TO EXPECT AFTER YOU MAKE A PRIVACY COMPLAINT

The Privacy Officer will:

- Speak to you (as necessary) about your privacy complaint and obtain any additional information necessary to review and examine your privacy complaint as indicated above.
- Interview VA staff involved in the matter surrounding your privacy complaint, including the accused employee and facility leadership, if appropriate.
- Review your records in question, as necessary, to assist in the review of the privacy complaint, including your health record.
- Review any relevant VA/VHA regulations or policies.
- Provide status in writing when the complaint response is anticipated to be delayed beyond 60 calendar days.
- Provide a written response to your privacy complaint outlining the results and summarizing the findings of the review, including whether or not your privacy complaint is valid and if a privacy violation occurred.
- Ensure your health record is marked sensitive for any privacy complaint of unauthorized access or upon request by you for all other privacy complaints.

**NOTE:** The Privacy Officer cannot share any details on any disciplinary action that may result from a privacy complaint that is determined to be a privacy violation. For example, the Privacy Officer cannot inform you that a specified VHA employee has been suspended or otherwise disciplined as a result of your complaint. This information is subject to specific restrictions on disclosure or use and is protected by federal privacy laws and regulations.

The Privacy Officer will not:

- Discuss your privacy complaint with anyone not involved in the complaint resolution process.
- Discuss with you, the in-depth details of what VA staff stated in their interviews.
- Provide you with copies of any documents obtained as part of the complaint resolution process. If you want to receive copies of any documents collected as part of your privacy complaint, you will need to submit a Freedom of Information Act (FOIA) request for those records to the facility FOIA Officer.

## RESPONSE TIMEFRAMES

Privacy Officers have 60 calendar days to review, examine, and respond to your privacy complaint. If the complaint results in an incident of a privacy violation you may receive a response sooner than 60 calendar days. Though Privacy Officers try to be as quick as possible in responding, please do not expect a written response prior to 60 calendar days from the date the facility received your privacy complaint. Complex privacy complaints involving concerns of inappropriate health record accesses of employees may require additional time beyond the 60 calendar days.

## APPEAL RIGHTS

There are no appeal rights as it relates to the resolution of your privacy complaint; however, if you disagree with the VHA response letter you may always submit your privacy complaint to the additional entities identified above.

If your privacy complaint was reviewed by a VA Health Care Facility and you choose to submit it to the VHA Privacy Office for a higher level review, your privacy complaint will be reviewed by the VHA Privacy Office to ensure the facility determination is consistent with privacy policy and the prior privacy complaint review was handled correctly. You will receive a response from the VHA Privacy Office so that you are aware of their findings. The VHA Privacy Office does not re-examine privacy complaints where it has already provided a response.

HHS/OCR and OIG have processes outside of VHA for addressing and responding to complaints. HHS/OCR and OIG may determine to decline acceptance of your privacy complaint and will provide you notification of declination.

## CONTACT INFORMATION

If you have any questions about the privacy complaint process, please contact your VA health care facility Privacy Officer where you are receiving care. If you have general questions about the handling of your privacy complaint by your VA health care facility Privacy Officer, you may contact the VHA Privacy Office at 1-877-461-5038 or by writing the VHA Privacy Office, Office of Health Informatics (105HIG) at 810 Vermont Avenue NW, Washington, D.C., 20420.



**Department of Veterans Affairs Medical Center**  
**W.G. (Bill) Hefner VA Health Care Center**  
**1601 Brenner Avenue**  
**Salisbury, NC 28144**

**PRIVACY COMPLAINT**

Name: \_\_\_\_\_ Last 4 SSN: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Preferred Mailing Address:

Are you a Veteran?    Yes    No                      Are you an Employee?    Yes    No

Check all that apply:

I request a Sensitive Patient Access Report (SPAR), detailing all entries into my electronic medical record, be generated from \_\_\_\_\_ to \_\_\_\_\_ and released to me.

I believe my record may have been accessed without justification or appropriate authorization from me.

Review purposes only. At this time, I do not believe my record has been accessed inappropriately. I understand that if the SPAR reveals questionable entries, I must file a new request with the Privacy Office.

I believe PHI from my medical record may have been released to a 3<sup>rd</sup> party without proper authority.

I request to have my electronic medical record marked sensitive.

I have another privacy concern. Please describe below.

I would like to schedule a meeting with Privacy Officer to discuss my concerns. The most convenient day/time/location for me is:

To avoid delay, please **explain your concern in detail** (use additional sheets if needed) and attach any supporting documentation. You may hand-deliver to the Privacy Office, building 1 room 129, 130, 131: route in a Privacy Envelope (00-CC) or FAX to (704) 645-6280. **Please print.**



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1. I understand the Privacy Officer, or their designee, may enter my electronic medical record over a period of several weeks (if applicable) in-order-to adequately research and address my concern.
2. I agree that I will not personally contact individuals listed on the SPAR, nor will I request others contact individuals on my behalf.
3. All statements are true and complete to the best of my knowledge.

Signature

Date

*\*Personal representatives must provide copy of properly executed Power of Attorney.*

*Rev. 07/12/21*