

C.G. JUNG INSTITUTE OF SAN FRANCISCO, LIBRARY & ARCHIVES

Privacy Policy & Access Statement

Scope

This policy establishes rules for access to personal and health information found in the archival collections of the C.G. Jung Institute of San Francisco Archive (JIA). The purpose of this policy is to safeguard the health and personal privacy of individuals while also making these holdings available for legitimate research.

This policy was motivated by the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and by other laws relating to private health and personal information. The JIA is not a “covered entity” under HIPAA and therefore not subject to its regulations, but nonetheless wishes to establish a policy that reflects the principles of HIPAA’s Privacy Rule.

This policy applies to materials containing sensitive health information. Personal information, such as student records, personnel records and financial records, is also protected under this policy.

Access may be further restricted by the donors of the materials. Restrictions are noted on the finding aid and can be discussed further with a JIA staff member.

What is HIPAA? What is the Privacy Rule?

HIPAA stands for the Health Information Portability and Accountability Act, which was adopted by Congress in 1996. The U.S. Department of Health and Human Services developed the HIPAA Privacy Rule in 2002 to protect the privacy rights of individuals by designating certain elements of information as Protected Health Information (PHI). HIPAA is the first comprehensive federal legislation governing access to and use of health information in all formats and media.

Institutions such as hospitals, clinics, and counseling centers are considered “Covered Entities” and must comply with HIPAA. Other entities, such as the National Library of Medicine and the Jung Institute Archive are not mandated to comply but choose to adopt compliant policies.

What about non-medical personal information?

Some information is not protected under HIPAA but is still private or sensitive. In general, the following categories of materials are considered personal records and may not be suitable for the archive:

- Official student records
- Personnel records
- Applications, letters of recommendation
- Special session board minutes
- Financial records

Our goal is to work with donors to identify and remove these items before the collection formally enters the archive. It is possible, however, that personal items may be discovered many years after the donation, and in this case, the Archive will attempt to contact the original donor and honor their wishes to retain or destroy the records. If efforts to locate the donor are unsuccessful, the items will be destroyed by the Archivist.

POLICIES

Access

Under certain conditions, the JIA may grant access to archival materials that contain health and/or personal information if:

- (A) Materials more than 100 years old, OR
- (B) A researcher obtains written authorization from the Archives Committee to view the materials.
- (C) All individuals shall have access to their own information contained in the JIA.

Conditions of access

If access is granted, researchers will conduct their study in accordance with the following guidelines:

- (A) Researchers shall employ standard methods for protecting individual privacy by ensuring that no individual shall be identifiable from the results of the research.
- (B) The information may not be used for any other purpose than what is stated on the "Request for Access" form.
- (C) Some collections may only be consulted in the JIA reading room at the C.G. Jung Institute of San Francisco. Supervision may be an additional condition of access.
- (D) Upon completion of the project, all research notes containing health information of individuals shall be destroyed or returned to the JIA. This condition will be discussed and agreed upon in-advance.

Requests for access

Requests for access must be submitted to the Archives Committee via email (library@sfjung.org) at least three (3) weeks before the requested access date. The Request form can be found at the end of this statement and should be submitted along with a copy of the Archive User Registration form.

Donating materials

As specified in the Collection Scope Policy, we welcome donations and the opportunity to work with donors to determine the suitability of our archive for the donated materials. It is our policy to work together with the donor to ensure that all personal or health information contained in the donation is identified early and handled in accordance with the above-stated policies. To expedite this process, we request that donors identify and flag potentially sensitive information prior to contacting the archive.

Upon review, the Archive reserves the right to return or decline materials containing sensitive or confidential personal or health information. Access restrictions may be sufficient to protect personal or institutional information. However, in most cases, access restrictions will not be sufficient for materials containing client names, information, correspondence, photos, or personal items. In general, these materials will be returned to the donor, or, with the permission of the donor, shredded or otherwise disposed of.

I am a donor. How can I communicate my privacy concerns and/or wishes?

If questions or concerns about certain materials arise, flag them and bring them to the attention of the Archivist. Reasonable access restrictions, time-limited sealing, and non-digitization agreements are all acceptable options.

I am a researcher. How do I find out if certain materials are restricted?

All access restrictions are detailed on the finding aid. Feel free to contact our office for more information.

C.G. Jung Institute of San Francisco Library & Archives
2040 Gough Street
San Francisco, CA 94109

REQUEST FOR ACCESS TO HEALTH & PERSONAL INFORMATION

Name: _____

Phone number: _____

Mailing address: _____

Institutional affiliation and position: _____

Nature of research conducted (may use separate sheet):

Plans for publication or presentation of materials (may use separate sheet):

Research methodology used (may use separate sheet):

Collections/series/items (with access restrictions) consulted:

I hereby agree to maintain the confidentiality of information and to abide by the conditions of access set by the C.G. Jung Institute of San Francisco Library & Archives, and I will assume responsibility for the actions of all persons working with me on this project.

Signature

Date

Printed name