

# HIPAA & the Public Health Exception

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According to HIPAA, if a statute or administrative rule requires a specific disclosure of protected health information, a covered entity must obey that law. (45 CFR 164.512(a)). Many disclosures of health information to Iowa HHS are required by state laws, including but not limited to Iowa Code chapters 135, 136A, 136B, 136C, 139A, 141A, 144, 147A and 272C. The same authority is found within the administrative rules that implement these chapters, including but not limited to sections 441 and 641 of the Iowa Administrative Code.

HIPAA allows a covered entity to disclose PHI to public health authorities for public health activities. (45 CFR 164.512(b)). HIPAA defines a public health authority as "an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate." (45 CFR 164.501). Iowa HHS is a public health authority under HIPAA.

HIPAA permits a covered entity to share health information for public health activities such as preventing or surveilling disease, injury, disability, and the conduct of public health investigations or interventions. Public health authorities are authorized to receive PHI without entering into a Business Associate Agreement for these purposes.

If you have any questions, please contact the Bureau of Data Sharing, Privacy, and Open Records at [RERC@hhs.iowa.gov](mailto:RERC@hhs.iowa.gov).