



DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Developmental Disabilities Administration
PO Box 45310, Olympia, WA 98504-5310

August 17, 2020

Re: Substitute Notice of HIPAA Breach

The Health Insurance Portability and Accountability Act (HIPAA) requires the Washington State Department of Social and Health Services to notify potentially affected clients of breaches. In regard to the breach detailed below, this message constitutes substitute notice to those clients we attempted to mail notification, but were unable to reach.

On June 22, 2020, we made an error when sending an email to Developmental Disabilities Administration (DDA) clients and their representatives. The purpose of the email was to notify DDA clients of their rights as required by a new law that went into effect in June 2020. The email was sent to you and/or a representative of yours. The email mistakenly listed the email addresses of recipients in the "To" line rather than the "Bcc" line. As a result, each recipient's email address was visible to all the other recipients. Six hundred and forty eight (648) DDA clients were affected by this breach.

We regret to inform you that your protected health information (PHI) was shared without proper authorization. Your email address and that of your relatives or household members is confidential and classified as PHI, and may have been accessed by others who are not authorized by law to see it. Because the program serving you is covered by the [HIPAA Privacy Rule](#), we are notifying you of the breach as required by that rule in 45 CFR section 164.404.

Specifically, the following items of PHI may have been exposed:

- Your email address and/or the email address of a relative or household member;
- In some cases, the email address included a client or a representative's name.

Important things for you to know:

1. On June 22, 2020, the Privacy Officer for DDA immediately sent a follow up email to the recipients of the email sent in error. The follow up email asked that they delete the email received in error. The original email was then re-sent to the same recipients, with the email addresses hidden on the "Bcc" line.

2. On June 26, 2020, DDA implemented a new process whereby client rights information is mailed, rather than emailed, to each individual.

As a result of this incident, the staff involved have received additional training regarding the handling confidential client information and DDA has begun a review of its practices when emailing large groups of people.

While we have no evidence that the PHI has been further disclosed or used for any malicious purpose, we are notifying every person who might be affected. We are extremely sorry for this situation and understand it may cause concern and inconvenience. We try very hard to earn your trust, and that includes protecting sensitive information about you. We take client confidentiality very seriously. We strive to protect all of our client data and regret any upset to you.

What You Can Do

We do not think the PHI that was disclosed is sufficient for someone to steal your identity or impact your credit. However, if you are concerned, you can find information on actions you can take to protect yourself on the websites of the Washington State Office of the Attorney General: www.atg.wa.gov/identity-theftprivacy and for the Federal Trade Commission: www.ftc.gov/bcp/edu/microsites/idtheft/. We will tell you if we receive any more information that shows your credit or identity may be at risk.

If there is anything we can do to assist you, or if you have questions, please contact Geoff Nisbet, DDA Privacy Officer, at geoff.nisbet@dshs.wa.gov, or DDA Help at 844-935-3468 (toll free).

Sincerely,

Geoff Nisbet

Privacy Officer

Developmental Disabilities Administration

Washington State Department of Social and Health Services