



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
ECONOMIC SERVICES ADMINISTRATION
P.O. Box 45857, Olympia, Washington 98504-5857

April 14, 2014

Re: Substitute Service for HIPAA Breach Notification

The Health Insurance Portability and Accountability Act (HIPAA) requires the Department of Social and Health Services (Department) to notify potentially affected clients of breaches. A breach was discovered in October of 2013 that affected some Economic Services Administration (ESA) clients. The Department notified all affected ESA clients by mail in December 2013 and January 2014. Approximately, 100 of those notifications were returned to the Department as undeliverable. This message constitutes substitute service for those clients we attempted to mail notification to but were unable to reach.

The Department regrets to inform certain clients that due to an error in an internal database from August 17, 2013 to November 6, 2013, a letter (or letters) containing your confidential information may have been delivered to a previous address we had listed for you.

The Department discovered the error on Oct. 22, 2013, and corrected it on Oct. 25, 2013. All letters were sent in envelopes marked "Return Service Requested" requiring the postal service to return them to the Department if the person named no longer lives at that address. It is possible someone at your old address received and opened the incorrectly addressed mail. It is standard procedure for the Department to destroy returned undeliverable mail so we are unsure which letters may have been delivered to previous addresses or were returned to the Department.

The Department has no proof of the incorrect delivery, HIPAA requires that we presume that letters containing your protected health information (PHI) may have been opened by someone not authorized to see it.

A review of letter types found that the majority of letters contained only a client's name, address, and client identification number. However, the following items of PHI may have also been included:

- Home phone number or other contact information
- Date of birth
- Social Security number
- Diagnosis or disability
- Medical, chemical dependency, or treatment information
- Employment or wage information
- Public Assistance Program type

We have thoroughly investigated the cause of the incident and mitigated the loss by quickly fixing the issue. To prevent future incidents, the Department will ensure the current quality assurance processes are strictly followed. We take client confidentiality very seriously.

What You Can Do

We have no information to show that the information in the letters has been accessed or used for identity theft. 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 at: <http://www.atg.wa.gov/privacy-issues> and for the Federal Trade Commission at: <http://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.

We are extremely sorry for this situation and understand the concern and inconvenience it may cause. If there is anything we can do to assist you or if you have questions, please contact the Community Services Division Customer Service Contact Center at 1-877-501-2233 or email esaprivacy@DSHS.wa.gov. You may also send a letter to Post Office Box 45857 Olympia, Washington 98504-5857. Additional public information regarding this incident will be posted on the Department's website at <http://www.dshs.wa.gov/mediareleases/2013/pr13039.shtml>.