UCONN HEALTH
OFFICE OF HEALTHCARE COMPLIANCE & PRIVACY

Protecting Patient Privacy
FairWarning Frequently Asked Questions

Question	What is FairWarning?
Answer	FairWarning is a privacy monitoring technology leveraged by the Office of Healthcare Compliance & Privacy (OHCP) that interfaces with Epic and axiUm to analyze user activity for potential impermissible access to patient information.

Question	What are some examples of impermissible access to patient information?
Answer	• Accessing a coworker or household member's medical or dental record for personal reasons, such as checking on a spouse's upcoming appointment time. • Accessing a high-profile patient's medical record (celebrity, person of interest in the news, or UConn Health manager/senior leader) out of curiosity. • Searching the electronic medical record for a date of birth, address, phone, or email address for reasons unrelated to job duties, such as wanting to send a birthday or sympathy card.

Question	As a manager, what are my responsibilities upon receiving a Flagged Access Information Request email from FairWarning?
Answer	Managers who receive a **Flagged Access Information Request** email are responsible for: • Reviewing the information provided, • Determining whether the activity in question was work-related, • Discussing the matter with the flagged employee, if appropriate, and • Responding via email in the identified timeframe.

Question	How do I respond to a Flagged Access Information Request?
Answer	**<Reply All>** to the email within the specified timeframe (typically three (3) business days) with one of the following: • An explanation as to how the access was work-related; • An explanation as to why the access appears to not be work-related; or • A description of why you cannot determine whether or not the access was work-related.

Question	What happens after the manager responds to a Flagged Access Information Request?
Answer	• If the flagged access was identified by the responding manager as work-related, the OHCP Privacy Team may close the matter as unsubstantiated or may ask follow up questions to document validation of the determination before closing the matter or pursuing additional investigation steps. • If the flagged access was identified by the responding manager as not work-related, or the manager cannot determine whether the access was work-related, the OHCP Privacy Team performs additional review steps and works with management and Human Resources to investigate further, possibly including an investigation meeting.

Question	What do I need to do if I receive a Labor Relations investigation meeting request?
Answer	• If indicated by the initial information gathered by the OHCP Privacy Team, a member of the Labor Relations team will contact the user's manager to schedule a meeting with the user, the user's manager, the appropriate Union Representative (if applicable), and a member of the OHCP Privacy Team. The manager is expected to attend. • Based on the investigation meeting, Labor Relations and the OHCP Privacy Team will make a finding determination (substantiated, unsubstantiated, or unable to substantiate) and a sanction recommendation, if applicable, to management.

Question	What happens if user activity is substantiated as impermissible?
Answer	In consultation with Labor Relations and in alignment with UConn Health disciplinary processes, the OHCP Privacy Team will recommend sanctions in a consistent manner for similar violations. Sanction recommendations may be modified based on aggravating and/or mitigating factors, including but not limited to the following examples: • Severity of harm to the affected individual(s) • Whether the impermissible activity occurred intentionally or unintentionally • Indication of a pattern of improper use or disclosure • Self-reporting/self-disclosure • Cooperation and transparency

Key Reminders

Routinely review applicable HIPAA Privacy and Security policies and procedures with staff.

Access and disclose electronic health records for work-related purposes only.

Promptly report any known or suspected impermissible uses or disclosures of protected health information to OHCP at OHCP@uchc.edu, x6060, or UConn's 24/7 anonymous REPORTLINE at 1-888-685-2637 or online at https://secure.ethicspoint.com/domain/media/en/gui/78121/index.html