HIPAA Fact Sheet: The P is for Portability

Key facts about patient requests for electronic health data

ACCESS
Patients have the right to electronic copies (e-copies) of their health records. If records are kept electronically, patients or their representatives can request an e-copy of their health data. In most cases, e-copies must be given to the patient within no more than 30 days; sooner if possible. Patients do not need to give a reason for their request. This information helps patients manage their own health and care for loved ones.

FORMAT
Patients have the right to their data in specific formats, if readily producible. Data can be in a structured format (CCDA, etc.) or read-only (PDF, etc.). Patients need structured data if they want to use a computer or mobile app to organize or analyze it. Providers are encouraged to help patients determine which electronic format best meets their needs.

DELIVERY
Providers can email patients a copy of their records. HIPAA allows providers to send a patient’s records to a mainstream email account (Gmail, etc.) at the patient’s request. Providers should advise patients that traditional email may not be secure, and patients can decide to accept this risk. A patient can also request other methods, such as mobile health and other applications (texting, video apps, etc.).

COST
The federal government encourages providers to offer patients their records for free. However, certain fees are permissible; visit www.hhs.gov/hipaa for a full explanation, including more on state laws. Common errors include inappropriate per-page fees for records maintained electronically, charging for patient portals, and search and retrieval fees.

GetMyHealthData
www.getmyhealthdata.org