

# Understanding Electronic Health Information (EHI)

## Why is EHI important?

EHI is part of the information blocking [definition](#). An [actor](#) subject to the information blocking regulations could be found to have committed information blocking if the actor engages in a practice that is likely to prevent, or materially discourage, or otherwise inhibit ([interfere with](#)) the access, exchange, or use of EHI.

## What is EHI?

EHI is [electronic protected health information \(ePHI\)](#) to the extent that it would be included in a [designated record set \(DRS\)](#) (other than [psychotherapy notes](#) or information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding), regardless of whether the group of records is used or maintained by or for a HIPAA [covered entity](#).<sup>1</sup>

## How does the EHI definition align with HIPAA health care terminology?

The EHI definition incorporates terms defined in the Health Insurance Portability and Accountability Act of 1996 and the [HIPAA Rules](#) that are used in the health care industry. It focuses on a set of health information that HIPAA covered entities and business associates currently collect, maintain, and make available for access, exchange, and use. For example, EHI is a subset of the same information (i.e., the Designated Record Set) that covered entities must make available for patients to access when they exercise their [HIPAA right of access](#).<sup>2</sup>

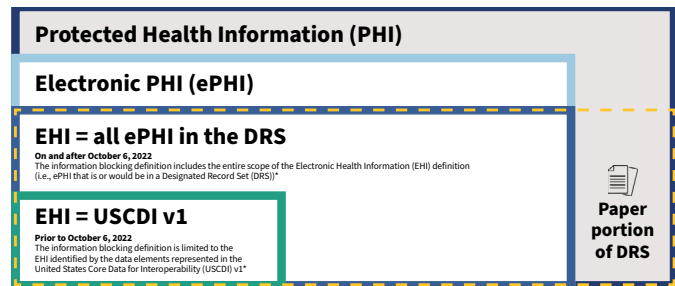
<sup>1</sup> An abridged version of the EHI definition has been provided. The full definition of EHI is available in 45 CFR 171.102.

<sup>2</sup> To learn more about a [HIPAA DRS](#), visit the [HIPAA Omnibus Final Rule](#) (2013), [HIPAA Privacy Rule](#) (2002), and [HIPAA Privacy Rule](#) (2000) or review [relevant HIPAA FAQs](#) that the [HHS Office for Civil Rights \(OCR\)](#) has issued.

<sup>3</sup> Before October 6, 2022, electronic health information (EHI) **for the purposes of the information blocking definition** is limited to the EHI **identified by the data elements represented** in the [United States Core Data for Interoperability \(USCDI\) v1](#). On and after October 6, 2022, the information blocking definition will apply to the full scope of EHI (as defined in 45 CFR 171.102).

## What is the relationship between EHI and other health care terminology (HIPAA terms and the USCDI)?

We have created an [infographic](#) that shows the relationship between EHI and other relevant health care terminology.



### Designated Record Set (DRS) Scope

\* EHI includes electronic protected health information (ePHI) to the extent that it would be included in a designated record set (DRS), regardless of whether the group of records is used or maintained by or for a covered entity or business associate. EHI does not include: psychotherapy notes as defined in 45 CFR 164.501; or information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, 45 CFR 171.102

Note #1: The infographic is not intended to depict the *actual* scope of each category of health information in a designated record set. For example, a DRS may consist of no paper records and EHI identified by only the data elements represented in the USCDI v1.

Note #2: Actors (45 CFR 171.102) not covered by HIPAA should familiarize themselves with this infographic and with HIPAA terms, and should assess what information they have that would be considered records that align with those included in the DRS. Such information is EHI for purposes of the information blocking definition.

## How do I know if my information is EHI?

On the second page of this resource, we have included additional information to help determine whether information is EHI.

## Where can I find additional resources?

For Frequently Asked Questions (FAQs) about EHI in relation to information blocking, please visit the [Electronic Health Information section of ONC's information blocking FAQs](#).

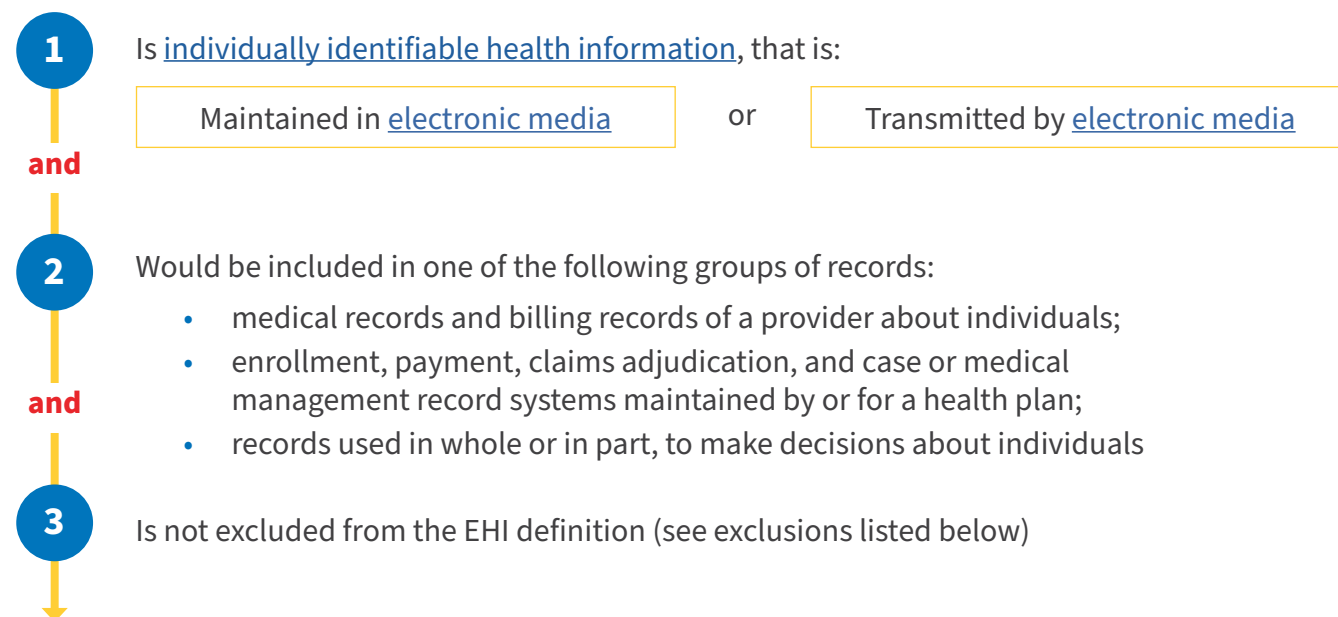
For more information about information blocking, including links to fact sheets, webinars, and FAQs, please visit ONC's [information blocking webpage](#).

## How to Determine if Information is EHI

### What is EHI?

**EHI is:**<sup>1</sup> Electronic protected health information (ePHI) to the extent that it would be included in a designated record set.<sup>3</sup> To determine whether the information is EHI, consider the following:

### If the information



Then it is EHI

### What is not EHI?

- psychotherapy notes as defined in [45 CFR 164.501](#)
- information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding
- individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, as amended, [20 U.S.C. 1232g](#)
- individually identifiable health information in records described at [20 U.S.C. 1232g\(a\)\(4\)\(B\)\(iv\)](#)
- individually identifiable health information in employment records held by a covered entity in its role as employer
- individually identifiable health information regarding a person who has been deceased for more than 50 years
- De-identified protected health information as defined under [45 CFR 164.514](#)