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.

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.

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.

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.

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

2 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.

3 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).
Understanding Electronic Health Information

How to Determine if Information is EHI

What is EHI?

EHI is: 1 Electronic protected health information (ePHI) to the extent that it would be included in a designated record set. 2 To determine whether the information is EHI, consider the following:

If the information

1. Is individually identifiable health information, that is:
   - Maintained in electronic media or
   - Transmitted by electronic media

2. Would be included in one of the following groups of records:
   - medical records and billing records of a provider about individuals;
   - enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan;
   - records used in whole or in part, to make decisions about individuals

3. Is not excluded from the EHI definition (see exclusions listed below)

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