

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 30 days. 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 can request 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 applications.

COST

Providers can charge certain fees for electronic copies of a patient's records.

Reasonable fees include the cost of labor to create and copy the electronic file, cost of supplies (USB drive, etc.), and postage. Fees vary by state. Providers cannot charge fees for searching for or retrieving records. Federal law does not expressly recognize per-page fees for e-copies. Patients cannot be denied their records because of an unpaid bill.

