

**If you are or were an inmate at the Jameson Annex, 1600 North Drive, Sioux Falls, SD 57104, between Nov. 19, 2018 and April 16, 2019, your Protected Health Information (PHI) may have been compromised. Please review the following notice:**

## **HIPAA SUBSTITUTE NOTICE DATA BREACH**

We are providing this Notice to you as part of the South Dakota Department of Social Services, Division of Behavioral Health's (DBH) commitment to privacy. Since we have outdated contact information for several inmates who have either been released or have absconded, we are giving notice of this incident on our website in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Breach Notification Rule (45 CFR §164.400 *et seq.*). The DBH takes the privacy of your protected health information (PHI) very seriously. On April 17, 2019, an inmate cleaned the office of one of our staff. A pile of papers marked for shredding, along with the garbage, was bagged and placed in the shower room on UNIT D with the rest of the refuse. Camera footage from the shower room was reviewed by DOC senior staff, who reported that the shredding and garbage were not compromised while in that area. Camera review also revealed that all of the refuse (including the shredding) was retrieved from the shower room around 8 a.m. on April 18, 2019, and was taken by an officer and an inmate to the outside trash bin which was promptly compacted, collected by Waste Management and deposited in the landfill.

The papers in the shredding pile, which could have included the documents of up to 302 inmates, might possibly have contained some or all of the following documents which may contain PHI:

- Signed releases of information for outside agencies (regarding chemical dependency services)
- Behavioral health related records from outside agencies (treatment completions and needs assessments)
- Brief handwritten notes regarding mental health on call communications
- Mental health level of functioning codes
- ROI fax cover sheets
- COMS cover sheets (offender assessment questionnaire results and codes)
- Detainee referral forms from parole agents.

We do not believe there are any additional steps you should take to protect yourself as the PHI was likely never viewed. Moreover, the documents do not contain financial information or identifiers which would make it useful for identity theft or fraud. We have thoroughly investigated the breach and have concluded that it extends no further than as described above. We have revised certain policies to prevent such an error from recurring in the future.

You may contact us with questions and concerns in the following ways: By calling our toll-free number 1-800-597-1603 between the hours of 8 a.m. and 5 p.m. Monday to Friday, sending an email message to [david.mcvey@state.sd.us](mailto:david.mcvey@state.sd.us), or addressing a letter to:

David M. McVey  
Assistant Attorney General  
DSS HIPAA Privacy Officer  
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