Protected Information & Trade Secrets
Redaction Log

**INSTRUCTIONS:**

All Reports required to be posted publicly are identified in Exhibit D-Attachment 1 of the coordinated care organization (CCO) contracts. In the event the CCO determines that a Report required to be publicly posted includes “Protected Information” or “Trade Secrets” or both as the terms are defined in the contract, the CCO is required to:

* Redact such information prior to posting by OHA,
* Document the basis for each redaction using this Redaction Log, and
* Submit the log with the redacted Report to OHA for review via Administrative Notice within twenty (20) Business Days after the unredacted Report is required to be submitted to OHA.

For additional information regarding the CCO’s rights and obligations relating to this Redaction Log, please see Exhibit D, Section 14 of the contract.

**DEFINITIONS:**

“Protected Information” means all forms of personally identifiable client, Member, patient, or Provider information that are made confidential or privileged by State and federal law, and thus are prohibited from disclosure. The types of records and information covered, and the federal and State laws that apply to this definition may include, but are not limited to, the following:

1. Personal health information as defined and protected under 42 USC §§ 1320d to 1320d-9, 45 CFR parts 160 to 164, ORS 192.553 to 192.581, and ORS 179.505 to ORS 179.507;
2. Drug and alcohol records as defined and protected under 42 USC § 290dd-2, 42 CFR part 2, and ORS 430.399(6);
3. Genetic information as defined and protected under ORS 192.531 to 192.549;
4. Communicable disease information as defined and protected under ORS 433.008 and ORS 433.045(4);
5. Medical assistance records as defined and protected under 42 USC § 1396a(a)(7), 42 CFR § 431.300 to 431.307, and ORS 413.175;
6. Other personal information as defined and protected under ORS 646A.600 to 646A.628;
7. Educational records protected under FERPA and those protected under the Individuals with Disabilities Education Act;
8. Child welfare records, files, papers, and communications provided for under ORS 409.225;
9. Child abuse reports protected under ORS 419B.035;
10. Abuse records of adults with developmental disabilities or mental illness provided for under ORS 430.763;
11. Elder abuse records and reports and any compilation thereof in accordance with ORS 124.090;
12. Data provided to or created by or at the direction of a peer review body as defined and protected under ORS 41.675;
13. Privileged communications as set forth under ORS 40.225 through ORS 40.295;
14. Personally identifiable demographic information about Community Advisory Council (CAC) members in the Annual CAC Demographic Report, consistent with Exhibit K, Section 5, Paragraph d;[[1]](#footnote-1) and
15. Other (specify legal basis).

“Report” means a document identified in Attachment 1-Exhibit D (Deliverables and Required Notices) as a report.

“Trade Secrets” has the meaning provided in ORS 192.345. A Trade Secret may include, without limitation, the method or dollar parameters for determining compensation paid to Providers.

***Protected Information & Trade Secrets Redaction Log***

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| --- | --- |
| CCO Name  | Contract Number  |
| Report Name  | Date Report Submitted  |
| Author of Log  | Date Log Submitted  |
| Author’s Email  | Author’s Phone  |

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| --- | --- | --- | --- | --- |
|  | **Section of Report Redacted**Be specific. Include citation, page number, cell reference number, etc. as applicable | **Is the information Protected Information (PI) or Trade Secrets (TS) or both?** | ***For PI:*****Identify the type by letters a-o on pages 1-2** | ***For TS:*** Describe how all the elements of ORS 192.345(2) listed below are met: * not patented,
* known only to certain individuals within an organization,
* used in a business it conducts,
* having actual or potential commercial value,
* gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
 |
| **1** |       |       |       |       |
| **2** |       |       |       |       |
| **3** |       |       |       |       |
| **4** |       |       |       |       |
| **5** |       |       |       |       |
| **6** |       |       |       |       |
| **7** |       |       |       |       |
| **8** |       |       |       |       |
| **9** |       |       |       |       |
| **10** |       |       |       |       |

1. In the 2022 contract, redaction of this type of information is described in Exhibit K, Section 5, Paragraph d. In the 2023 contract, it will be added to the definition of “Protected Information”. [↑](#footnote-ref-1)