



Appendix 18: Health Care Service Plans' and Health Insurers' Proprietary Data Retention and Destruction Policy

The California Health Benefits Review Program (CHBRP) acknowledges its responsibility to preserve information relating to litigation, audits, and investigations. It is a crime to alter, cover up, falsify, or destroy any document to prevent its use in an official proceeding. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against CHBRP and the University of California and its employees, and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the CHBRP Director of a potential or actual litigation, external audit, investigation, or similar proceeding involving CHBRP that may have an impact as well on the approved records retention and document destruction schedule.

Documents covered under this policy. This policy covers “proprietary data,” that is, all records and documents that may associate data with a specific health care service plan or health insurer, as referenced in Health and Safety Code Section 127662, that have been received by CHBRP from Health Plans in connection with CHBRP’s analytical activities under Health and Safety Code Sections 127660 -127664.

Document retention and destruction. CHBRP shall retain documents for the period of their immediate or current use. CHBRP is responsible for the ongoing process of identifying its records of proprietary data that have met a maximum retention period of 30 days after the relevant report is submitted to the legislature, and overseeing their destruction. Destruction of the proprietary data may be accomplished by shredding, burning, or sending them to the landfill.

Electronic documents. Electronic documents that reveal proprietary data shall be retained as if they were paper documents. Therefore, any electronic files that contain proprietary data shall be scheduled to be destroyed by the end of the maximum retention period. Destruction of electronic documents may be accomplished by deleting proprietary data from CHBRP’s electronic files. Data that has been de-identified by removing the health plan’s or health insurer’s name may be retained beyond the maximum retention period noted above.

Suspending document destruction. Upon any indication of an official investigation of CHBRP related to any legal proceeding or by any governmental entity, document destruction shall be suspended immediately. Destruction shall be reinstated upon conclusion of such proceeding.

Use of documents. CHBRP staff shall remove health plan or insurer identifiers prior to circulating it outside of the University of California, Office of the President (UCOP), including CHBRP-affiliated faculty and contracted actuaries.

Effective date of policy: 12/31/05