

THE MOUNT SINAI HEALTH SYSTEM	SUBJECT NO.
STANDARD: POLICY AND PROCEDURE	
DEPARTMENT: Archives	
SUBJECT: GENERAL ARCHIVE ACCESS POLICY	

CROSS-REFERENCE:  
Confidentiality of the medical record (GPP-403.5); Uses of Disclosures of PHI (ACS-MI.2);  
Uses and Disclosures for Research (ACS-M.I.6.2); Exclusions from IRB Waiver (ACS-MI.6.2B)

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**PURPOSE**

The Arthur H. Aufses, Jr. MD Archives (the “The Mount Sinai Archives”) is charged with identifying, collecting, preserving and making available documentary evidence relating to The Mount Sinai Health System and its constituent parts, past and present. This policy sets forth the terms and conditions under which access to the Archives shall be permitted, and the procedures for handling requests for access to Archival Materials.

**DEFINITIONS:**

1. “**Academic Research Purposes**” means systematic investigation that is undertaken in an academic context, as part of one’s formal educational or professional academic responsibilities.
2. “**Archival Materials**” means records that have enduring value that have been collected or created by the Archives to document the history of the Mount Sinai Health System.
3. “**Other Permitted Research Purposes**” includes research purposes that may not qualify as Academic Research Purposes (such as requests regarding Mount Sinai’s general history, requests regarding family histories, and requests from Mount Sinai alumni) but that the Mount Sinai Archives have determined are legitimate and warrant access to Archival Materials. Other Permitted Research Purposes does not include requests for access to archival materials by or from journalists or media outlets.

4. **“Permitted Purposes”** means Academic Purposes and Other Permitted Research Purposes.
5. **Protected Health Information (“PHI”)** as defined under HIPAA includes any clinical, demographic, financial or psychosocial information linked to a patient identifier. With the exception of information in psychiatric or HIV-related records, PHI does not include information in medical records of patients who are deceased more than 50 years.
6. The **“Mount Sinai Community”** means employees, staff, faculty, students, officers, trustees, and other individuals who are employed by or otherwise associated with entities in the Mount Sinai Health System, including but not limited to the Icahn School of Medicine, The Mount Sinai Hospital, Beth Israel Medical Center, the St. Luke’s Roosevelt Hospital Center, and the New York Eye & Ear Infirmary of Mount Sinai.

## **POLICY:**

### **1. ACCESS TO ARCHIVAL MATERIALS**

The Mount Sinai Archives is committed to making archival materials available to eligible users, for Permitted Purposes, on equal terms of access. This is in accordance with the standard professional policy on access adopted jointly by the Society of American Archivists and the American Library Association, as well as the International Council on Archives’ statement, “Principles of Access to Archives,” (2012).

Equal access does not mean that all Archival Materials are open for access to all requesters for all purposes. It is the responsibility of the Mount Sinai Archives to balance the requesting researcher's needs for access with the purpose of the Archives and the needs for confidentiality of the persons and the institutions whose activities are reflected here. Consequently, access to and/or use of Archival Materials is subject to certain restrictions.

Three (3) types of access restrictions exist. First, access to Archival Materials that is not for Permitted Purposes (*i.e.* Academic Purposes or Other Permitted Research Purposes) shall not be granted to individuals who are not part of the Mount Sinai Community unless approved by the Dean of the Icahn School of Medicine at Mount Sinai, and shall be considered by the Mount Sinai Archives, on a case-by-case basis (as set forth more fully in the “procedures” section herein), for individuals who are members of the Mount Sinai Community. Second, restrictions on access to more than one group of materials are termed "general restrictions." They are applicable to particular kinds of information or designated classes of materials, wherever they may be found in the holdings. Third, restrictions specified by the transferring office or donor and apply to a specific body of material, sometimes for a specific length of time, are known as “specific restrictions.” Information about specific restrictions will be found in the accessioning file that covers the body of materials to which the specific restriction applies.

The following is a list of the general access restrictions that are applied to materials held by the Mount Sinai Archives:

A. Administrative records of hospitals, schools, centers, institutes, academic departments, and administrative offices are closed for a period of 25 years from date of creation. *Access may be granted to these records for Permitted Purposes only if written permission is obtained from the office of origin.* Published materials intended for general distribution within or outside Mount Sinai by any administrative or academic department are open to researchers at the time of publication. These materials may include, but are not limited to: in-house newsletters, catalogs, photographs, brochures, pamphlets, manuals and published committee reports.

B. Materials containing information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or libel of a living person and which personal information is not known to have been previously made public. (The restrictions on access to materials containing Personal Health Information and related to medical and psychiatric treatment are outlined in a separate policy, Access to Protected Health Information in the Archives, ACS-H.42.)

Restrictions: Such records may be disclosed only:

1. to Mount Sinai staff working in the Mount Sinai Archives in the performance of normal archival work on such materials;
2. to the individual named in the record or his authorized representative, provided that access will not be granted if the records are restricted pursuant to any other general or specific restrictions;
3. to those officers and employees of the agency of origin or its successor in function who have a need for the record in the performance of their official duties;
4. to the Donor of the material or to the Donor's designee, pursuant to the Donor's deed of gift;
5. to researchers for the purpose of statistical research when such researchers have provided the Archives with written assurance that the information will be used solely for statistical research or reporting and that no individually identifiable information will be disclosed.

C. Materials containing confidential employment or information on appointment, employment, performance evaluation, disciplinary action, and similar personnel matters.

Restrictions: Such information may be disclosed only:

1. if the information is a summary statement, or
2. if the information does not identify particular individuals, or
3. if the individual or his legal representative agrees to its release, or
4. if the individual is deceased or the passage of time is such that the individual may be presumed dead.

D. Materials containing information related to or compiled during an investigation of individuals or organizations.

Restrictions: Such information may be disclosed only:

1. if the release of the information does not interfere with ongoing litigation or similar proceedings;
2. if confidential sources and information are not revealed;
3. if confidential investigative techniques are not described;
4. if the passage of time is such that the safety of persons is not endangered, and the public interest in disclosure outweighs the continued need for confidentiality.

E. Materials containing information, the access to which is restricted by statute, regulation, executive order, or court order.

Restrictions: Such information may be disclosed only in accordance with the provisions of such statute, regulation, executive order, or court order.

## **2. "USE" OF ARCHIVAL MATERIALS**

All individuals who access the Archives (for Academic or Other Permitted Research Purposes) must read and sign the Archives Access Agreement Form regarding use of confidential information.

Copies of Archival Materials in any form may only be made after signing the Archives' Permission to Duplicate form that states that copying does not transfer property rights or copyright and that copies are made solely for the personal use of the individual researcher requesting them.

Before individuals can quote from or publish any material beyond fair use in which Mount Sinai has copyright, written permission must be obtained from the Archives and a Permission to Publish form must be signed by the user.

## **PROCEDURES**

### **A. Procedures for Handling Internal Requests for Archive Access from Members of the Mount Sinai Community**

Requests to access Archival Materials made by members of the Mount Sinai Community shall be handled as follows:

1. To initiate their requests to access Archival Materials, members of the Mount Sinai Community may contact the Archives via email or phone. They must make clear their affiliation with Mount Sinai at the first point of contact.

2. Requests for access to Archival Materials made by members of the Mount Sinai Community that are not, in the estimation of the Mount Sinai Archives, for Permitted Purposes, shall be considered on a case-by-case basis based on a balancing of the requester with the need for confidentiality and privacy of the persons and the institutions reflected therein.

**B. Procedures for Handling Requests for Archive Access from Outside of the Mount Sinai Community**

Requests to access Archival Materials made by individuals who are *not* members of the Mount Sinai Community shall be handled as follows:

1. To initiate their requests to access Archival materials, individuals who are not part of the Mount Sinai Community may contact the Archives via phone or email. They must clearly state their research interest and the purpose of their research at first contact. If the Archives staff determines that the request is for a Permitted Purpose, the Archives staff will endeavor to answer their question for them over the phone or via email, so they do not need to access the materials on-site. If this is not possible, but the Archives determines that the request is for a Permitted Purpose that may warrant on site access to Archival Materials, the requester will have to fill out an Access Request form, which will be used to vet the request for on-site access to Archival Materials.
2. Requests for access to Archival Materials made by individuals who are not members of the Mount Sinai Community that are, in the estimation of the Mount Sinai Archives, for purposes that are not Permitted Purposes, shall not be granted unless specifically approved by the Dean of the Icahn School of Medicine at Mount Sinai.
3. Requests for access to Archival Materials made by journalists or media outlets shall not be granted, and shall be referred to the Mount Sinai Health System Press Office.