

HIPAA Privacy Concerns on Artificial Intelligence and Potential Safety Measures

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The expanded use of artificial intelligence in healthcare has increased privacy concerns over compliance with HIPAA standards. AI has the chance to increase healthcare technology, but it also comes with its own risks.¹ The HIPAA privacy law creates a standard to protect individuals' private health information, such as medical records and other identifiable health information.² To work properly in healthcare, AI requires large quantities of anonymized patient medical records and other information to create data for its algorithm.³ This creates large datasets that include information like health records, demographics, and medical images.⁴ When more data is added to AI's algorithm, the chance of anonymized data becoming identifiable increases.⁵

Currently, HIPAA allows anonymized patient information to be shared and sold to third-party data companies.⁶ Even though the data is anonymized when it is sold, AI is very sophisticated—especially when it comes to grouping and re-identifying data.⁷ This creates privacy concerns that AI could potentially re-identify private patient information and violate HIPAA privacy laws.⁸ To prevent new risks, federal agencies and other groups are calling for HIPAA to update privacy provisions to include the regulation of AI's use in healthcare.⁹

In the meantime, to decrease privacy concerns, healthcare companies should increase their security and privacy measures to protect sensitive healthcare data from being misused by companies and AI. Prior to selling data, healthcare companies should ensure secure data transmission and storage.¹⁰ Recommended examples include data encryption, controlled access,

¹ Giva, *Artificial Intelligence's Threats to HIPAA Compliance*, GIVA, (Sep. 14, 2023, 3:30 PM), <https://www.givainc.com/blog/index.cfm/2023/5/26/artificial-intelligence-ai-hipaa-compliance#:~:text=AI%20algorithms%20rely%20heavily%20on,could%20potentially%20re%2Didentify%20individuals>.

² *Id.*

³ John Schieszar, *Artificial Intelligence Poses Threat to Patient Privacy*, RENAL & UROLOGY NEWS, (June 9, 2023), <https://www.renalandurologynews.com/home/departments/hipaa-compliance/artificial-intelligence-poses-threat-to-patient-privacy/>.

⁴ Giva, *Artificial Intelligence's Threats to HIPAA Compliance*, GIVA, (Sep. 14, 2023, 3:30 PM), <https://www.givainc.com/blog/index.cfm/2023/5/26/artificial-intelligence-ai-hipaa-compliance#:~:text=AI%20algorithms%20rely%20heavily%20on,could%20potentially%20re%2Didentify%20individuals>.

⁵ Malek et al., *Data Privacy and Artificial Intelligence in Health Care*, REUTERS, (March 17, 2022). <https://www.reuters.com/legal/litigation/data-privacy-artificial-intelligence-health-care-2022-03-17/>.

⁶ John Schieszar, *Artificial Intelligence Poses Threat to Patient Privacy*, RENAL & UROLOGY NEWS, (June 9, 2023), <https://www.renalandurologynews.com/home/departments/hipaa-compliance/artificial-intelligence-poses-threat-to-patient-privacy/>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Giva, *Artificial Intelligence's Threats to HIPAA Compliance*, GIVA, (Sep. 14, 2023, 3:45 PM), <https://www.givainc.com/blog/index.cfm/2023/5/26/artificial-intelligence-ai-hipaa->

and ongoing education—which can help address a few privacy concerns regarding AI.¹¹ Companies may also try to increase compliance monitoring by checking their AI system to ensure there are no security breaches or re-identification of private medical data.¹²

By increasing privacy practices, data protection, and HIPAA compliance, AI can become a great tool for healthcare companies and future technology.¹³

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y%20individuals.

¹¹ *Id.*

¹² Malek et al., *Data Privacy and Artificial Intelligence in Health Care*, REUTERS, (March 17, 2022). <https://www.reuters.com/legal/litigation/data-privacy-artificial-intelligence-health-care-2022-03-17/>.

¹³ Giva, *Artificial Intelligence's Threats to HIPAA Compliance*, GIVA, (Sep. 14, 2023, 3:50 PM), <https://www.givainc.com/blog/index.cfm/2023/5/26/artificial-intelligence-ai-hipaa-compliance#:~:text=AI%20algorithms%20rely%20heavily%20on,could%20potentially%20re%2Didentif>
y%20individuals.