

**Statement of Senator Patrick Leahy
Chairman, Senate Judiciary Committee
Hearing on "Health IT: Protecting Americans' Privacy in the Digital Age"
January 27, 2009**

Today, the Committee holds an important hearing on how best to protect Americans' health privacy rights as the Nation moves towards a national health IT system. I have long held the view that American innovation can - and should - play a vital role in improving our Nation's health care system. That is why I am pleased that President Obama has called for the immediate investment in health information technology; so that all of America's medical records are computerized within five years.

In America today, if you have a health record, you have a health privacy problem. The explosion of electronic health records, digital databases, and the Internet is fueling a growing supply of and demand for Americans' health information.

The ability to easily access this information electronically - often by the click of a mouse, or a few key strokes on a computer - can be very useful in providing more cost-effective health care. But, the use of advancing technologies to access and share health information can also lead to a loss of personal privacy.

Without adequate safeguards to protect health privacy, many Americans will simply not seek the medical treatment that they need for fear that their sensitive health information will be disclosed without their consent. And those who do seek medical treatment assume the risk of data security breaches and other privacy violations. Likewise, health care providers who perceive the privacy risks associated with health IT systems as inconsistent with their professional obligations will avoid participating in a national health IT system.

In my state of Vermont, we have formed a public-private partnership that is charged with developing Vermont's statewide electronic health information system, including a policy on privacy. I believe that in order for a national health IT system to succeed, we in Congress should follow Vermont's good example and work together with public and private stakeholders to ensure the privacy and security of electronic health records. That is why I have worked very hard for more than a decade with Senator Kennedy - a tireless champion of health IT - many other Members of Congress on both sides of the aisle, and numerous stakeholders in the public and private sectors, to craft bipartisan health privacy legislation. I will continue to work on this pressing issue during the 111th Congress.

Recently, some have suggested that addressing privacy in health IT legislation is too hard and that Congress should simply put off this issue for another day. But, without meaningful privacy safeguards, our Nation's health IT system will fail its citizens.

In his inaugural address, President Obama eloquently noted that in our new era of responsibility "there is nothing so satisfying to the spirit, so defining of our character than giving our all to a difficult task." Today's hearing is an important step towards tackling the difficult, but essential task of ensuring meaningful health information privacy for all Americans.

The first hearing that I held when I resumed the Chairmanship at the start of the last Congress was a hearing on privacy and, once again, one of the Committee's first hearings for this new Congress is on privacy. We have a distinguished panel of privacy experts, government officials and consumer advocates to help us examine this issue. I thank all of our witnesses for appearing today and I look forward to a productive discussion.

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