A Business Associate is an individual or company (entity) who is not employed by Yale but who performs or assists Yale in performing activities that require receiving, creating, transmitting, accessing, using or disclosing PHI (protected health information).

Some examples of the functions or services provided by a Business Associate are: claims processing, data analysis, case management services, benefit management, accreditation, recycling and shredder companies, transcription, offsite storage, cloud storage, maintenance of devices where access to PHI is necessary to provide the service, including software and upgrades, and external auditors to name a few.

Providers of certain services where access to PHI is incidental or are not related to Yale’s role as a health care provider/health plan are not considered Business Associates – i.e. janitorial services waste disposal of sealed materials, maintenance of devices where access to PHI is not necessary to provide the service.

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**Decision Tree:**

1. **Is entity a member of Yale’s workforce?**
   - **YES** → **No BAA Needed**
   - **NO** → **Will the entity be providing a service on behalf of Yale?**
     - **NO** → **No BAA Needed**
     - **YES** → **Is Yale PHI disclosed to entity?**
       - **NO** → **No BAA Needed**
       - **YES** → **Is entity a health care provider?**
         - **YES** → **Is treatment being provided?**
           - **YES** → **No BAA needed**
           - **NO** → **Is Yale PHI disclosed for payment use?**
             - **YES** → **No BAA needed**
             - **NO** → **BAA likely needed – contact HIPAA Privacy Office (203-432-5919)**