# magicVORTEX File Transfer Service
## Conformance Statement regarding the
## Health Insurance Portability and Accountability Act of 1996
## (Public Law 104-191) a.k.a. HIPAA
February 5, 2003

## Usage Guidelines

There are three usage guidelines that are required for compliance to HIPAA Electronic Transaction Standards.

1.  When the magicVORTEX application (as opposed to the website) is used to send files, the program must remain in Secure Mode (the default mode after installation). To ensure that the magicVORTEX application is operating in Secure Mode, look to the bottom of the console window. A small, blue lock icon appears when set to Secure Mode. To change the current operating mode, select "Settings" from the menu.

2.  The intended recipient must be a registered user of magicVORTEX. Any recipient can sign up for a free account for the purposes of receiving files. The introductory free trial covers sending for only 30 days, but the ability to receive files for free lasts indefinitely. The registered status of a recipient can be confirmed at the magicVORTEX website at:
    http://magicvortex.com/Community.asp

3.  The filenames and descriptions of files sent via magicVORTEX should not contain individually identifiable information. The sender and recipient, exclusively, have access to the filenames and descriptions of transfers through their File History. By using labeling that does not include individual names or procedures, no lasting individually identifiable information will be stored on the magicVORTEX servers.

## Privacy Protections

When following the guidelines as described above, the magicVORTEX File Transfer Service protects the confidentiality and integrity of any individually identifiable health information.

- No access is given for any transmitted information to any party other than the sender and the recipient. In the case of legal proceedings, the appropriate courts and/or their officers may gain access where required by law.
- Passwords are required to authenticate the sender and recipient of a given transaction.
- There is no shared or public repository of data.
- Electronic transmission occurs over public networks only after SSL-based (128-bit) encryption is applied.
- Servers participating in the transmission of data do not archive any file data after completion of a transfer.
- All physical access to servers and communication hardware is restricted.
- A historical log is available for audit purposes that details: sender, recipient, date sent, date received, filename, file size, file date, and description.

## Standard Operating Procedures

The policies and procedures that are followed in providing the magicVORTEX File Transfer Service are publicly available at the magicVORTEX website.
    Privacy Policy - http://magicvortex.com/Privacy.asp
    Terms of Use - http://magicvortex.com/Terms.asp

## Regulations

Since the magicVORTEX File Transfer Service does not use or disclose individually identifiable health information and merely acts a conduit between covered entities, magicVORTEX (or its operator: Sage Analytic Technologies, LLC) is not considered a "business associate" as defined by legislation (45 CFR 160.103). Therefore, no business associate contract is required in conjunction with magicVORTEX.

Excerpt from 65 FR 82476:

> "We do not require a covered entity to enter into a business associate contract with a person or organization that acts merely as a conduit for protected health information (e.g., the US Postal Service, certain private couriers and their electronic equivalents). A conduit transports information but does not access it other than on a random or infrequent basis as may be necessary for the performance of the transportation service, or as required by law. Since no disclosure is intended by the covered entity and the probability of exposure of any particular protected health information to a conduit is very small, we do not consider a conduit to be a business associate of the covered entity."