

I would personally oppose any rule making that would allow encryption under any circumstances in amateur radio operation. Not only is such operation specifically forbidden by Part 97.113, we must keep in mind that amateur radio is a hobby and public service communications is an offshoot of our hobby. The issue for us is not HIPAA. As a Behavioral Health Counselor, I'm bound in my private practice to HIPAA regulations. However, amateur radio is not. We must remember that we are communicators when we do public service communications. If an agency, hospital, etc. chooses to send private and personal information using amateur radio operators, they are the ones liable for any HIPAA violations. We, as operators, are just a communications pipeline from one agency to another. Of course, we must let these agencies know that any information that we send for them is available for anyone to see or hear who has the appropriate radio receiving equipment. We do not provide our services to agencies as a primary means of communications for them, but always remain as an auxiliary means of communications. The only times we might be primary is when an agency's own normal communications network fails. While I'm very sensitive to the rights of privacy for personal information, I don't believe using amateur radio frequencies to encrypt such information is appropriate even in emergencies. If there is a need to send such private information, the agency should plan for an alternative to the use of amateur radio to send such information.