POLICY

System EGI shall require a person to agree to a Data Use Agreement prior to Disclosure of a Limited Data Set created or maintained by System to such a person.

6.4(1) Use and Disclosure of a Limited Data Set

To the extent System’s Use or Disclosure of PHI would be permissible under Section 4.4 of this Manual as a Limited Data Set, System may Use or Disclose such Limited Data Set to a recipient only if the recipient has agreed to a Data Use Agreement that meets the requirements set forth in this Section.

6.4(2) Data Use Agreement

A Data Use Agreement shall:

a. restrict the recipient from Using or Disclosing the Limited Data Set for a purpose other than Health Care Operations, research, public health activities, or as otherwise required by law;

b. not authorize the recipient to Use or Disclose the Limited Data Set in a manner that would violate the HIPAA Privacy Standards if performed by EGI;

c. establish the identity of the person or classes of persons permitted to Use or receive the Limited Data Set;

d. require the recipient to use appropriate safeguards to prevent Use or Disclosure of the Limited Data Set other than as provided for by the data use agreement;

e. require the recipient to report to System any Use or Disclosure of the Limited Data Set not provided for by its data use agreement of which the recipient becomes aware;

f. require the recipient to ensure that any agents, including a subcontractor, to whom the recipient provides the Limited Data Set agree to the same restrictions and conditions that apply to the recipient with respect to such information; and
g. prohibit the recipient from identifying the information or contacting the individuals.

**6.4(3) Monitoring Recipients of a Limited Data Set**

If System learns that a recipient of a Limited Data Set has performed a material violation of its Data Use Agreement, System shall take reasonable steps to end the violation and mitigate the violation’s harmful effects in accordance with Section 8.4 of this Manual.

**6.4(4) Documentation of Data Use Agreements**

System shall retain any Data Use Agreement entered into with any person. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

**REFERENCES/CITATIONS**

45 C.F.R. § 164.514(e)