

## Texas Tech University Health Sciences Center El Paso Institutional Compliance Procedure

<b>Procedure:</b> Data Use Agreement Review	<b>Procedure #:</b> HPP 6.2, PRO A
<b>Effective Date:</b> July 19, 2019	<b>Last Revision Date:</b> January 29, 2024
<b>References:</b> 45 CFR 164.514(e)(3)(i), HPP 6.2 Data Use Agreement	
<b>TTUHSC El Paso Institutional Compliance Website:</b> <a href="http://elpaso.ttuhscc.edu/compliance/">http://elpaso.ttuhscc.edu/compliance/</a>	

### Procedure Statement

It is the procedure of the Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) that all Data Use Agreements are reviewed by the Office of Institutional Compliance designee prior to execution of the agreement.

In accordance with 45 CFR 164.514(e)(3)(i), TTUHSC El Paso will only use or disclose a limited data set for the purposes of research, public health, or health care operations.

### Scope

This procedure applies and will be available to all Texas Tech Physicians of El Paso (TTP El Paso) ambulatory clinics and research facilities.

### Procedure

#### 1. Definitions

**Data Use Agreement:** A Data Use Agreement (DUA) is a legal binding agreement between TTUHSC El Paso and an external entity (e.g., contractor, private industry, academic institution, other Federal government agency, or state agency), when an external entity requests the use of personal identifiable data that is covered by a legal authority, such as Health Insurance Portability and Accountability Act (HIPAA). The agreement delineates the confidentiality requirements of the relevant legal authority, security safeguards, and TTUHSC El Paso's data use policies and procedures. The DUA serves as both a means of informing data users of these requirements and a means of obtaining their agreement to abide by these requirements. An executed DUA is required prior to the release of a limited data set.

**Limited Data Set:** A limited data set is protected health information that excludes the following direct identifiers of the individual or of relatives, employers, or household members of the individual.

#### 2. Procedure

Prior to the execution of a DUA, the responsible administrator will forward the agreement to the Office of Institutional Compliance designee for review to ensure that the agreement is consistent with the rules described by the HIPAA.

It is the responsibility of the administrator to ensure DUA compliance with all policies and procedures associated with the contract in process, i.e. HPP 6.2.

The Office of Institutional Compliance designee will review the agreement to ensure that the

## Texas Tech University Health Sciences Center El Paso Institutional Compliance Procedure

following elements described are satisfactory:

1. Establish the permitted uses and disclosures of such information by the limited data set recipient. The DUA may not authorize the limited data set recipient to use or further disclose the information in a manner that would violate the requirements of HIPAA;
2. Establish who is permitted to use or receive the limited data set; and
3. Provide that the limited data set recipient will:
4. Ensure that the limited data set excludes the following direct identifiers of the individual or of relatives, employers, or household members of the individual:
  - a. Names;
  - b. Postal address information, other than town or city, State, and zip code;
  - c. Telephone numbers;
  - d. Fax numbers;
  - e. Electronic mail addresses;
  - f. Social security numbers;
  - g. Medical record numbers;
  - h. Health plan beneficiary numbers;
  - i. Account numbers;
  - j. Certificate/license numbers;
  - k. Vehicle identifiers and serial numbers, including license plate numbers;
  - l. Device identifiers and serial numbers;
  - m. Web Universal Resource Locators (URLs);
  - n. Internet Protocol (IP) address numbers;
  - o. Biometric identifiers, including finger and voice prints; and
  - p. Full face photographic images and any comparable images.
5. Limited data sets may include any of the following identifiers:
  - a. Dates such as date of birth, admission, discharge, or service
  - b. City, state, and/or zip code (with street address removed)
  - c. Age
  - d. Any other unique code or identifier that is not listed as a direct identifier.

Upon completion of the review, the Office of Institutional Compliance will provide a redlined version to the responsible administrator and other involved persons.

Policy Number:	Original Approval Date:
Version Number:	Revision Date: January 29, 2024
Signatory approval files by: Andrew G. Conkovich, MBA, CHC, CHPC, CHRC Vice President – Institutional Compliance Officer Texas Tech University Health Sciences Center El Paso	

## Texas Tech University Health Sciences Center El Paso Institutional Compliance Procedure

### **Frequency of Review**

This procedure will be reviewed in collaboration with HPP 6.2, Data Use Agreements (Each odd-numbered year) by the designated Compliance personnel.

**Review Date:** 1/29/2024  
**Revision Date:** 1/29/2024