

# Texas Tech University Health Sciences Center El Paso HIPAA Privacy Policy

<b>Policy: HPP 6.2</b>	<b>Effective Date:</b> June 15, 2016
<b>Data Use Agreements</b>	<b>Last Revision Date:</b> July 18, 2023
<b>References:</b> <a href="https://www.hhs.gov/ocr/index.html">https://www.hhs.gov/ocr/index.html</a> 45 CFR 164.514(e)(1)	

## **Policy Statement**

A Data Use Agreement (DUA) is an agreement between Texas Tech University Health Sciences Center El Paso and an outside party (e.g., contractor, private industry, academic institution, federal or state agency), when the outside party requests the use of non-public data that is subject to some restrictions on its use. Specifically, DUAs address important issues such as limitations on the use of the data, obligations to safeguard the data, and privacy rights that are associated with transfers of confidential or protected data. The purpose of this TTUHSC El Paso HIPAA Policy and Procedure (HPP) is to provide guidance to identify when Data Use agreements are needed and obtain written assurances via DUAs for TTUHSC El Paso to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations.

## **Scope**

This policy applies to all health care clinical areas owned and/or operated by TTUHSC El Paso.

## **Policy**

1. The TTUHSC El Paso department requesting to share data with an outside party is responsible for identifying when a DUA is needed. [The HIPAA DUA Decision Tree](#) is a useful tool to determine if a DUA is required. If it is not clear whether a DUA is required, contact the Institutional Privacy Officer.

2. A Data Use Agreement requests information contained in a Limited Data Set.

A Limited Data Set may be disclosed to an outside party, i.e., the data recipient, without a patient's authorization if a Data Use Agreement is signed between the data recipient and TTUHSC El Paso.

A Limited Data Set excludes the direct identifiers listed below:

3. The data recipient may use and disclose the Limited Data Set received from TTUHSC El Paso only in connection with the performance of research activities, public health activities, or healthcare operations. A Limited Data Set excludes the direct identifiers listed below:

- i. Names
- ii. Postal address information, other than town or city, state or zip code
- iii. Telephone numbers
- iv. Fax numbers
- v. Electronic mail addresses
- vi. Social Security numbers
- vii. Medical record numbers
- viii. Health plan beneficiary numbers
- ix. Account numbers
- x. Certificate/license numbers

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- x. Vehicle identifiers and serial numbers, including license plate numbers
- xi. Device identifiers and serial numbers
- xii. Web Universal Resource Locators (URLs)
- xiii. Internet Protocol (IP) address numbers
- xiv. Biometric identifiers, including finger and voice prints
- xv. Full-face photographic images and comparable image
- xvi. Any other unique identifying number, characteristic, or code unless allowed by 45 CFR 164.514 (c) for re-identification.

#### 4. Approved DUA Template.

The TTUHSC El Paso HIPAA Privacy and Security Committee adopted a Data Use Agreement template ([TTUHSC El Paso DUA template](#)) that meets HIPAA requirements. This Committee is responsible for amending and/or updating the TTUHSC El Paso DUA Template as needed.

- a. Review, Negotiation, and Maintenance of DUAs. The requesting department will submit the proposed DUA to the TTUHSC El Paso ASC Contracting System for review/revision/approval. All approved DUAs will be maintained on this site.

Contact the TTUHSC El Paso Contracting Office for assistance in downloading the DUA to the ACS system if needed.

- b. Authority to sign DUA on Behalf of TTUHSC El Paso. Only those individuals with authority delegated in accordance with the Texas Tech University System Regents' Rules have the authority to sign a DUA or other written contract. (See HSCEP OP 54.01.)

#### 5. Data Use Agreement Where TTUHSC El Paso is the Data Recipient.

- a. DUAs from third parties requesting that TTUHSC El Paso sign as the Data Recipient shall be forwarded to the Institutional Privacy Officer through the ASC Contracting System for review before execution of the DUA.
- b. Notification of Breaches by TTUHSC El Paso. If TTUHSC El Paso is acting as a data recipient and has actual knowledge of a breach or violation by the TTUHSC El Paso workforce, the TTUHSC El Paso Institutional Privacy Officer and/or Information Security Officer shall, upon completion of an investigation of credible evidence of the violation, notify the other party (Covered Entity) as required by law.

#### 6. Right to Change Policy.

TTUHSC El Paso reserves the right to interpret, change, modify, amend, or rescind any policy in whole or in part at any time without the consent of the workforce.

This policy and procedure will be documented and retained for a period of 6 years from the date of its creation or the date when it last was in effect, whichever is later.

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Knowledge of a violation or potential violation of this policy must be reported directly to the Institutional Privacy Officer or the employee Fraud and Misconduct Hotline at (866) 294-9352 or [www.ethicspoint.com](http://www.ethicspoint.com) under Texas Tech University System.

### **Frequency of Review**

This policy will be reviewed on each odd-numbered (ONY) by the Institutional Privacy Officer and the HIPAA Privacy and Security Committee but may be amended or terminated at any time.

Questions regarding this policy may be addressed to the Institutional Privacy Officer or the Institutional Compliance Officer.

**Review Date:** July 13, 2023

**Revision Date:** June 5, 2017, May 18, 2021, July 18, 2023