

## PRIVACY 7.0

## LIMITED DATA SETS AND DATA USE AGREEMENTS

**Scope:** All [workforce](#) members (employees and non-employees), including employed medical staff, management, and others who have direct or indirect [access](#) to patient [protected health information \(PHI\)](#) created, held or maintained by any subsidiaries of Universal Health Services, Inc., including facilities and UHS of Delaware Inc. (collectively, “UHS”), including UHS [covered entities](#) (“Facilities”).

**Purpose:** Describes [limited data sets](#) and [data use agreements](#), explains their use, and outlines the contents and requirements for [limited data sets](#) and [data use agreements](#).

### **Definitions:**

Terms not defined in this Policy or the *HIPAA Terms and Definitions* maintained by the UHS Compliance Office will have the meaning as defined in any related State or Federal privacy law including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (“HHS”) at 45 CFR Part 160 and 164, Subparts A and E (“Privacy Regulations” or “Privacy Rule”) and Subparts A and C (“Security Regulations” or “Security Rule”), the Health Information Technology for Economic and Clinical Health Act (“HITECH”) privacy and security provisions of the American Recovery and Reinvestment Act (Stimulus Act) for Long Term Care, Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (“ARRA”), Title XIII and related regulations.

**Policy:** Facilities may [use PHI](#) to create a [limited data set](#) and may [disclose PHI](#) in the [limited data set](#) to a recipient, if the recipient and Facility have entered into a [data use agreement](#) as described in this Policy.

### **Procedure:**

#### Using PHI to Create a Limited Data Set

Facilities may [use PHI](#) to create a [limited data set](#), or may [disclose PHI](#) to a [business associate](#) to create a [limited data set](#), regardless of whether the [limited data set](#) is to be used by the Facility or another recipient.

#### Use of a Limited Data Set

A Facility may use or [disclose](#) a [limited data set](#) to a recipient only for the purposes of [research](#), [public health](#), or [health care operations](#), and only if the Facility enters into a [data use agreement](#) with the recipient.

#### Limited Data Set Contents

A “[limited data set](#)” is [PHI](#) that excludes all of 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.

#### Data Use Agreement

A Facility may [use](#) or [disclose](#) a [limited data set](#) only for the purposes of [research](#), [public health](#) or [health care operations](#), if the Facility obtains satisfactory assurance by entering into a written [data use agreement](#), that the [limited data set](#) recipient will only [use](#) or [disclose](#) the [PHI](#) for limited purposes described in the [data use agreement](#). An additional business associate agreement is not required, as long as the only [PHI](#) disclosed is contained in a limited data set covered by the written data use agreement.

#### Contents of Data Use Agreements

A [data use agreement](#) between a Facility and the [limited data set](#) recipient must be reviewed by the UHS Legal department and meet the following requirements:

- Be in writing and signed by the parties, prior to providing access to the [limited data set](#);

- Establish the permitted **uses** and **disclosures** of the information in the **limited data set** by the recipient, which must be consistent with limiting its **use** and **disclosure** to **research**, **public health**, or **health care operations**;
- Establish who is permitted to **use** or receive the **limited data set**; and
- Contain terms requiring the **limited data set** recipient to do the following:
  - Not **use** or further **disclose** the information other than as permitted by the **data use agreement** or as otherwise required by law;
  - Use appropriate safeguards to prevent **use** or **disclosure** of the information other than as allowed by the **data use agreement**;
  - Report to the Facility any **use** or **disclosure** of the information of which it becomes aware that has occurred which is not allowed by its **data use agreement**;
  - Ensure that any agents, including a subcontractor, to whom it provides the **limited data set** agrees to the same restrictions and conditions that apply to the **limited data set** recipient with respect to such information; and
  - Not identify the information or contact the individuals.

### Compliance

If the Facility learns that the limited data set recipient has materially breached or violated the data use agreement (or if the Facility learns of a pattern of activity or practice of the recipient that constitutes a material breach or violation), the Facility must take reasonable steps to cure the breach (or end the violation). If the steps are unsuccessful, the Facility will discontinue the disclosure of PHI to the recipient, and the Facility Privacy Officer, working with the UHS Privacy Officer and Compliance Office, will report the problem to the Secretary of the Department of Health and Human Services.

A Facility that is the recipient of a limited data set must comply with the terms of the data use agreement.

### References:

45 C.F.R. §164.514

**Related UHS Policies:**

UHS Privacy 24.0 *Overview of the Uses and Disclosures of PHI*

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**Reviewed and Approved by:**

**UHS Compliance Committee**