

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.2	Uses and Disclosures of PHI	Revised:	November 2006
Policy 11.2.13	Limited Data Sets	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

LIMITED DATA SETS

Policy

The Health Science Center may use a limited data set of patient health information and enter into a data use agreement with recipients of the limited data set to protect the confidentiality of the individual and to allow the Health Science Center to use or disclose such information for research, public health, or health care operations without the individual's authorization. Any disclosure or request for a limited data set must adhere to the minimum necessary requirements of the federal privacy regulations.

Elements of Limited Data Set

The Health Science Center may, without an authorization or other permission from the individual, either:

1. Use protected health information to create a limited data set; or,
2. Disclose protected health information to a business associate for the sole purpose of creating a limited data set, independent of whether the Health Science Center intends to use the limited data set.

A limited data set could include the following identifiable information:

1. Admission, discharge and service dates;
 2. Date of death;
 3. Age (including age 90 or over);
 4. Five digit zip code or any other geographic subdivision such as state, county, city, precinct, and their equivalent geocodes; or,
 5. Date of birth.
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Creation of Limited Data Set

To create a limited data set, the protected health information must exclude the following direct identifiers of the individual or of relatives, employers, or household members of the individual:

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1. Names;
 2. All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:
 - a. The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 - b. The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
 3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death, and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
 4. Telephone numbers;
 5. Fax numbers;
 6. Electronic mail addresses;
 7. Social Security numbers;
 8. Medical record numbers;
 9. Health plan beneficiary numbers;
 10. Account numbers;
 11. Certificate/license numbers;
 12. Vehicle identifiers and serial numbers, including license plate numbers;

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13. Device identifiers and serial numbers;
 14. Web Universal Resource Locators (URLs);
 15. Internet Protocol (IP) address numbers;
 16. Biometric identifiers, including finger and voice prints;
 17. Full face photographic images and any comparable images; and,
 18. Any other unique identifying number, characteristic, or code.
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**Data Use
Agreement**

The Health Science Center may use or disclose a limited data set only if the Health Science Center obtains satisfactory assurance, in the form of a data use agreement, that the limited data set recipient will only use or disclose the protected health information for limited purposes. The data use agreement must:

1. Establish the permitted uses and disclosures of the information, which permitted uses and disclosures may include only research, public health, health care operations, or as otherwise required by law, and may not authorize the limited data set recipient to sue or further disclose the information in a manner that would violate the federal privacy regulations if performed by the Health Science Center;
2. Establish who is permitted to use or receive the limited data set; and,
3. Provide that the limited data set recipient will:
 - a. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
 - b. Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement;

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- c. Report to the Health Science Center any use or disclosure of the information not provided for by its data agreement of which it becomes aware;
 - d. Request the minimum amount of information necessary to fulfill the requirement of the request;
 - e. 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,
 - f. Not identify the information or contact the individuals.

If a Health Science Center employee is requesting the use of a limited data set for research, public health, or health care operations, and he/she has signed the Health Science Center's [Confidentiality/Security Acknowledgement](#), a [Data Use Agreement](#) is not required.

If another entity requests a limited data set from the Health Science Center, the entity will be asked to use the Health Science Center's [Data Use Agreement](#), unless the Health Science Center's Office of Legal Affairs approves the use of the outside entity's agreement. If the Health Science Center requests the use of a limited data set from another covered entity, the Health Science Center will request and use the other entity's agreement, unless the entity is willing to use the Health Science Center's agreement.

**Business
Associates and
Data Use
Agreements**

If the Health Science Center hires an entity to prepare a limited data set on the Health Science Center's behalf, the Health Science Center will need a business associate agreement with this entity. If the business associate is also going to use the limited data set for some purpose, other than just creating it, the Health Science Center will also need a data use agreement, in addition to the business associate agreement. These two agreements may be combined into one agreement. If the Health Science Center is disclosing an already made limited data set, the recipient must have a [Data Use Agreement](#), but not a business associate agreement. All business associate agreements and data use agreements must be routed to the Office of Legal Affairs to ensure that they are appropriate and worded correctly.

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Compliance

If the Health Science Center knows of a pattern of activity or practice of a limited data set recipient that constitutes a material breach or violation of the data use agreement, the Health Science Center must take reasonable steps to cure the breach or end the violation, as applicable, and, if such steps are unsuccessful:

1. Discontinue disclosure of protected health information to the recipient; and,
2. Report the problem to the Health Science Center's Privacy Officer.

If the Health Science Center is a recipient of a limited data set, the Health Science Center must comply with the requirements applicable to limited data set recipients set forth in this policy.
