**PURPOSE**

To set forth the process for creating a Limited Data Set as well as the purposes for and circumstances under which a Limited Data Set may be disclosed.

**POLICY**

[COVERED ENTITY] may disclose a Limited Data Set to an outside party without a patient’s authorization only if (a) the disclosure is for purposes of research, public health, or health care operations, and (b) the covered entity obtains satisfactory assurances, in the form of a HIPAA-compliant data use agreement, that the limited data set recipient will only use or disclose the protected health information for limited purposes.

A “limited data set” is a subset of PHI from which the following direct, or “facial,” identifiers of the individual, or of relatives, employers, or household members of the individual, have been removed:

* Names
* Postal address information, other than town or city, State, and zip code
* Telephone numbers
* Fax numbers
* Electronic mail addresses
* Social Security numbers
* Medical record numbers
* Health-plan beneficiary numbers
* Account numbers
* Certificate and license numbers
* Vehicle identifiers and serial numbers, including license plate numbers
* Device identifiers and serial numbers
* Web Universal Resource Locators (URLs)
* Internet Protocol (IP) address numbers
* Biometric identifies including fingerprints and voice prints
* Full-face photographic images and any comparable image
* Any other unique identifying number, characteristic, or code, except any code used by [COVERED ENTITY] to re-identify the information, provided such code does not relate in any want to the identifiers that must be removed in order for the information to be de-identified and only [COVERED ENTITY] has access to the code and/or use the code for re-identification.

The Limited Data Set may contain the following data elements: town, city, state and zip code; date of birth; date of death; and admission or discharge dates. A limited data set is not de-identified information and is therefore still PHI and subject to the requirements of the Privacy Regulations.

**PROCEDURE**

1. Creation of Limited Data Set. Only workforce members of [COVERED ENTITY] or a Business Associate of [COVERED ENTITY] may create a Limited Data Set. If a third-party Business Associate creates a Limited Data Set, there must be a Business Associate Agreement in place.

2. Data Use Agreement. [COVERED ENTITY] may use or disclose a limited data set, as defined above, for purposes of research, public health, or health care operations only if [COVERED ENTITY] obtains a Data Use Agreement from the person/entity to whom the Limited Data Set is to be disclosed. A DUA must be entered into *before* there is any use or disclosure of a limited data set to an outside party. A Data Use Agreement must:

1. Establish the permitted uses and disclosures of such information by the limited data set recipient. The data use agreement may not authorize the limited data set recipient to use or further disclose the information in a manner that would violate HIPAA privacy requirements, if done by the covered entity;
2. Establish who is permitted to use or receive the limited data set; and
3. Provide that the limited data set recipient will:
   1. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
   2. Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement;
   3. Report to the covered entity any use or disclosure of the information not provided for by its data use agreement of which it becomes aware;
   4. Ensure that any agents to whom it provides the limited data set agree to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and
   5. Not identify the information or contact the individuals.

3. Noncompliance by Limited Data Set Recipient. If at any time [COVERED ENTITY] becomes aware that a recipient of a Limited Data Set has undertaken a pattern of activity or practice that constitutes a material breach or violation of the Data Use Agreement, then [COVERED ENTITY] must take reasonable steps to cure the breach or end the violation. If the breach cannot be cured or the violation ended, then [COVERED ENTITY] must cease all disclosures of the Limited Data to the recipient and report the problem to the Secretary of the Department of Health and Human Services.

4. Minimum Necessary and Accounting for Disclosures. The minimum necessary and accounting for disclosures rules do not apply to PHI disclosed as part of a Limited Data Set.