Tulane University Data Use Agreement

SCOPE OF POLICY

This policy applies to Tulane University Medical Group, its participating physicians and clinicians, and all University employees and business units who provide management, administrative, financial, legal, and operational support to or on behalf of Tulane University Medical Group and have been designated as part of the Tulane University HIPAA Health Care Component.

STATEMENT OF POLICY

The Health Care Component may use a Limited Data Set as defined at 45 C.F.R. § 164.514 only for the purposes of research, public health, or health care operations. The Health Care Component may disclose a Limited Data Set for purposes of research, public health, or health care operations, but only pursuant to a Data Use Agreement.

A Limited Data Set consists of PHI that excludes the following identifiers:

1. Names;
2. Postal address information, other than town or city, state, and zip code;
3. Telephone numbers;
4. Fax numbers;
5. Electronic mail addresses;
6. Social security numbers;
7. Medical record numbers;
8. Health plan beneficiary numbers;
9. Account numbers;
10. Certificate/license numbers;
11. Vehicle identifiers and serial numbers, including license plate numbers;
12. Device identifiers and serial numbers;
13. Web Universal Resource Locators (URLs);
14. Internet Protocol (IP) address numbers;
15. Biometric identifiers, including finger and voice prints; and
16. Full face photographic images and any comparable images.

A Data Use Agreement between the Tulane HIPAA Health Care Component and the third party to whom the Limited Data Set is being disclosed pursuant to Policy GC-012 must establish the following:
1) The Limited Data Set may only be used for the purposes of research, public health, or health care operations.

2) The recipient of the Limited Data Set may not further use or disclose the information in a manner that would violate the HIPAA Privacy Rule if done by the Tulane HIPAA Health Care Component.

3) The recipient will use appropriate safeguards to prevent the unauthorized use or disclosure of the Limited Data Set.

4) The recipient will report unauthorized uses or disclosures of the Limited Data Set, including breaches of the Limited Data Set, to the Tulane Privacy Officer.

5) The recipient will ensure that any agents or subcontractors to whom it provides the Limited Data Set will agree to the same restrictions and conditions on the Limited Data Set that apply to the recipient.

6) The recipient must agree not to identify or contact the individuals whose information is contained in the Limited Data Set.

If the Limited Data Set will be created by an entity or individual other than the HIPAA Health Care Component, a Business Associate Agreement will be required to disclose the protected health information to the party creating the Limited Data Set.

**IMPLEMENTATION OF POLICY**

The General Counsel’s Office processes all Data Use Agreements. The General Counsel’s Office will therefore identify those parties that must execute Data Use Agreements with Tulane University Medical Group. In addition, any request that Tulane University or Tulane University Medical Group sign a Data Use Agreement should be directed to the General Counsel’s Office.