

Subject: De-Identification of Member Information and Use of Limited Data Sets

(Page 1 of 4)

Objective:

- I. To ensure a set of standards under which Health Share/Tuality Health Alliance (THA) may use and disclose individuals' identifying information, remove that identifying information, or restrict information use and disclosure to a limited data set.

Definition:

De-identified information is member information for which identifiers (e.g., name, birth date, etc.) have been deleted, re-tracked, or blocked – the remaining information cannot reasonably be used to identify the associated individual.

Policy:

- I. General Overview
 - a. If THA or another entity has taken steps to de-identify information in a manner that is consistent with the requirements and restrictions of this policy (section II), THA may use and share information as appropriate for work unless otherwise restricted or prohibited by Federal or State law.
 - b. THA may use or disclose a limited data set that meets the requirements of section IV of this policy as long as THA enters into a data use agreement with the limited data set recipient (or with the data source, if THA will be the recipient of the limited data set) in accordance with the requirements of Section V of this policy.
 - THA may disclose a limited data set only for the purposes of research or for non-governmental public health purposes. Unless THA has obtained a limited data set that is subject to a data use agreement, however, THA is not restricted to using a limited data set for its own activities or operations.
 - If THA knows of a pattern or activity or practice of the limited data set recipient that constitutes a material breach or violation of a data set agreement, THA will take reasonable steps to cure the breach or end the violation; if such steps are unsuccessful, THA will discontinue disclosure of information to the recipient and report the problem to the United States Department of Health and Human Services (DHHS) Office of Civil Rights.
- II. Requirements for De-Identification of Member Information
 - a. THA may determine that member information is sufficiently de-identified only under the following circumstances:
 - A statistician or other person with appropriate knowledge/experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable has applied such principles and methods and has determined that the risk is minimal that

Subject: De-Identification of Member Information and Use of Limited Data Sets

(Page 2 of 4)

the information could be used, alone or in combination with other reasonably available information, by a recipient of the information to identify the person whose information is being used; and has documented the methods and results of the analysis that justify such a determination.

- THA has ensured that the following identifiers of the individual or of the individual's relatives, employers, and household members are removed:
 - Names;
 - All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geo codes. However, the initial three digits of a zip code may remain on the information if, according to current publicly-available data from the Bureau of the Census, the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and the initial three digits for all such geographic unit containing 20,000 or fewer people is changed to 000;
 - All elements of dates (except year) for dates directly relating to an individual, including birth date, dates of admission and discharge from a health care facility, and date of death. For persons age 90 and older, all elements of dates (including year) that would indicate such age must be removed, except that such ages and elements may be aggregated into a single category of "age 90 or older;"
 - Telephone numbers;
 - Fax numbers;
 - Electronic mail addresses;
 - Social security numbers;
 - Medical record numbers;
 - Health plan beneficiary numbers;
 - Account numbers;
 - Certificate or 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 identifiers, including fingerprints and voiceprints;
 - Full face photographic images and any comparable images; and
 - Any other unique identifying number, characteristic, or codes, except as permitted under Section (3.), below, of this policy; **and**

THA has no actual knowledge that the information could be used alone or in combination with other information to identify an individual who is the subject of the information.

Subject: De-Identification of Member Information and Use of Limited Data Sets

(Page 3 of 4)

- b. The THA Privacy Officer will designate the statistician or other person referred to above, who may be either:
- A THA employee;
 - An employee of another governmental agency; or
 - An outside contractor or consultant, subject to THA contracting and personnel policy.

III. Re-identification of De-identified Information

THA may assign a code or other means of record identification to allow information de-identified under this policy to be re-identified by THA, except that:

- The code or other means of record identification is not derived from or related to information about the individual and cannot otherwise be translated to identify the individual; and
- THA does not use or disclose the code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.

IV. Requirements for a Limited Data Set

A limited data set is information that excludes the following direct identifiers of the individual, or of relatives, employers or household members of the individual:

- 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 (such as Medicaid Prime Numbers);
- Account numbers;
- Certificate/license numbers;
- Web Universal Resource Locators (URLs);
- Internet Protocol (IP) address numbers;
- Biometric identifiers, including finger and voice prints; and
- Full face photographic images and any comparable images.

V. Data Use Agreement

- a. THA may disclose a limited data set only if the entity receiving the limited data set enters into a written agreement with THA in accordance with subsection V.b below; the entity must agree to use or disclose protected health information (PHI) only as specified in the written agreement.

Subject: De-Identification of Member Information and Use of Limited Data Sets

(Page 4 of 4)

- b. A data use agreement between THA and the recipient of the limited data set must:
- Specify the permitted uses and disclosures of such information by the limited data set recipient – THA may not use the agreement to authorize the limited data set recipient to use or further disclose the information in a manner that would violate the requirements of this policy if done by THA;
 - Specify who is permitted to use or receive the limited data set; and
 - Specify that the limited data set recipient will:
 - Not use or further disclose the information other than as specified in the data use agreement or as otherwise required by law;
 - Use appropriate safeguards to prevent use or disclosure of the information other than as specified in the data use agreement;
 - Report to THA, if THA is the source of the limited data set, if the recipient becomes aware of any use or disclosure of the information not specified in its data use agreement with THA;
 - 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 whose data is being disclosed.

References: 45 CFR 164.514
DHS 100-07: De-identification of Client Information and Use of Limited Data Sets

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