

## LIMITED DATA SET POLICY

**RESPONSIBILITY:** Privacy Official or Designee(s)

### **BACKGROUND:**

A limited data set is a set of records containing protected health information (PHI), from which direct identifiers have been removed, but in which certain potentially identifying information remains. The use or disclosure of a limited data set is limited to research, public health, and health care operations purposes only.

To disclose a limited data set, Behavioral Health and Health Facilities (BHHF) must obtain from the recipient a data use agreement, in which the recipient agrees to limit the use of the limited data set to specified purposes, to limit who can use or receive the data, and not to re-identify the data or contact the patients.

### **POLICY:**

1. BHHF may use or disclose a limited data set for research, public health, and health care operations purposes only. See DEFINITIONS.
2. The limited data set must meet the requirements of this policy.
3. Records in a limited data set are considered protected health information. Except as provided for in this policy, all such records are subject to BHHF policies and procedures that protect patients' health information.
4. A limited data set must exclude all of the following direct identifiers of the individual, or of relatives, employers, or household members of the individual:
  - 4.1. Names;
  - 4.2. Postal address information, other than town or city, State, and zip code (that is, the limited data set may include city, state, and 5-digit zip code, but not house number, street, apartment number, box number, etc.);
  - 4.3. Telephone numbers;
  - 4.4. Fax numbers;
  - 4.5. Electronic mail addresses;
  - 4.6. Social security numbers;
  - 4.7. Medical record numbers;
  - 4.8. Health plan beneficiary numbers;
  - 4.9. Account numbers;
  - 4.10. Certificate/license numbers;
  - 4.11. Vehicle identifiers and serial numbers, including license plate numbers;

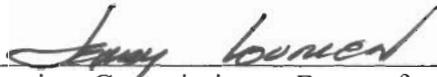
- 4.12. Device identifiers and serial numbers;
  - 4.13. Web Universal Resource Locators (URLs);
  - 4.14. Internet Protocol (IP) address numbers;
  - 4.15. Biometric identifiers, including finger and voice prints; and
  - 4.16. Full face photographic images and any comparable images.
  - 4.17. Other information that is not necessary to accomplish the purpose for which the limited data set is prepared (see the MINIMUM NECESSARY RULE.)
5. BHHF workers may use or disclose a limited data set only for purposes of research, public health, or health care operations.
  6. PHI may be disclosed to a business associate for purposes of preparing a limited data set, provided that a valid business associate contract is in force. See DISCLOSURE OF PROTECTED HEALTH INFORMATION TO BUSINESS ASSOCIATES AND OTHER CONTRACTORS. The business associate may prepare the limited data set for BHHF's use, or for the use of another recipient. A business associate may prepare the limited data set for its own use, provided that it has executed a data use agreement with BHHF.
  7. A limited data set may only be disclosed to a recipient that has executed a data use agreement that meets the following standards:
    - 7.1. Description of the recipient's permitted uses and disclosures of information in the limited data set.
      - 7.1.1. The recipient may only use information in the limited data set for research, public health, and health care operations).
      - 7.1.2. The data use agreement may not permit the recipient to use or disclose the information in any way that is not permitted to BHHF under federal privacy regulations (45 CFR Parts 160 and 164) or applicable state law.
    - 7.2. Identification of who is permitted to use or disclose the information in the limited data set.
    - 7.3. Requirement that the recipient will:
      - 7.3.1. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
      - 7.3.2. Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement;
      - 7.3.3. Report to BHHF any use or disclosure of the information not provided for by its data use agreement, of which it becomes aware;
      - 7.3.4. Ensure that any agent, 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

- 7.3.5. Not identify the information or contact the individuals to whom the information pertains.
- 7.4. Provision to terminate the agreement if BHHF notifies the recipient of a pattern of activity or practice that constitutes a material breach or violation of the data use agreement, unless the recipient cures the breach or ends the violation within a reasonable time, as determined by BHHF.
8. If BHHF becomes aware of a pattern of activity or practice of the recipient that constitutes a material breach or violation of the data use agreement, it will take reasonable steps to cure the breach or end the violation, as applicable, and, if such steps are unsuccessful, it will:
  - 8.1. Discontinue disclosure of protected health information to the recipient; and
  - 8.2. Reported the problem to the Secretary.

Effective Date: 4/14/03

Dates Revised:



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Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities