

Section 6	Compliance Policies	00/00/03	- Effective
Subject 6.2	Privacy and Disclosure		- Revised
<b>Policy 6.2.13</b>	<b>Use and Disclosure of PHI for Limited Data Sets</b>	Compliance Office	- Reviewed - Author

## Use and Disclosure of PHI for Limited Data Sets

### Audience

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

### Definitions

**Limited Data Set:** A subset of protected health information (PHI) that excludes the direct identifiers listed below. All the direct identifiers listed below must be removed for the individual and relatives, employers, or household members of the individual.

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.

### Policy

If UTMB enters into a data use agreement with the limited data set recipient, UTMB may use or disclose a limited data set that meets the definition above and that includes the requirements of this policy. Disclosures of a limited data set are exempt from the *Accounting of Disclosures Policy*, IHOP Policy 6.2.29.

Use or disclosure of limited data set may only be used for the purposes of research, public health, or health care operations.

UTMB may use PHI to create a limited data set or UTMB may disclose PHI to a business associate in order to create a limited data set. Business associates may not disclose information in a limited data set without UTMB approval.

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### **Data Use Agreement**

UTMB may use or disclose a limited data set only if there is a data use agreement that meets the requirements of this section.

A data use agreement between the UTMB and the limited data set recipient must:

- Establish the permitted uses and disclosures of such information by the limited data set recipient, consistent with the listed Permitted Purposes above. 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 the requirements;
- Establish who is permitted to use or receive the limited data set; and
- Provide that the limited data set recipient will:
  - Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
  - Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement;
  - 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;
  - 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;
  - Not identify the information or contact the individuals.

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### **Compliance**

UTMB is not in compliance with this policy if UTMB knows of a pattern of activity or practice of the limited data set recipient that constituted a material breach or violation of the data use agreement, unless UTMB took reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful:

- Discontinued disclosure of protected health information to the recipient; and
- Reported the problem to the Department of Health & Human Services Secretary.

If UTMB is a limited data set recipient and violates a data use agreement, UTMB will be in noncompliance with this policy.

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