

# DATA USE AGREEMENTS FOR NACHC PARTNERS

October 2021

---

## ■ INTRODUCTION

Partnerships that include sharing clinical data for quality improvement, public health, or research are increasingly common and often include a health center or affiliated organization (i.e., health center-controlled network (HCCN) or primary care association (PCA) sharing data with a recipient organization. Many who are new to sharing clinical data are challenged to understand and adhere to data governance fundamentals including **data use agreements (DUA)**. The purpose of this document is to give health centers an overview of DUAs and the importance they play in protecting shared clinical data.

## ■ WHAT IS A DUA?

*A DUA is a legally binding agreement that allows a healthcare entity to share data with an external organization for a specified purpose.*

Because sharing health data can have substantial legal repercussions, DUAs are used to protect both the data contributor and the recipient. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) states that a [DUA must contain](#) a description of what data will be shared, a definition of the permitted use and disclosure of the shared data by the recipient, and requirements of the recipient organization (e.g., what the data contributor expects NACHC to do in order to keep shared data safe and secure). Additionally, NACHC relies on a DUA to clearly define the parameters of data sharing such as how frequently the data will be sent and how the data will be transmitted.

A DUA is necessary whenever clinical data is being shared with NACHC from a health center, HCCN, or PCA.

## ■ WHY IS A DUA NEEDED?

Clinical data is protected by HIPAA; health centers are required by law to adhere to HIPAA-defined rules for data sharing, patient privacy, and data security. *A DUA is necessary because sharing most types of clinical data without an agreement is illegal.*

Health centers, HCCNs, and PCAs are responsible for keeping health information private and secure and adhering to the minimum necessary standard which states that health data can only be disclosed when it is necessary to satisfy a particular purpose and that when data is shared, only the minimum necessary data is shared to achieve that purpose. When HIPAA rules are violated, those events must be reported, the violating entity is fined, and individuals can be professionally and personally liable, even resulting in termination.