

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
PRIVACY MANAGEMENT

HIPAA: Limited Data Sets

□ POLICY

Rev: 07/01/2004

1. The University of Florida is permitted by law to use or disclose a limited data set only for the purposes of research, public health, or health care operations.
2. Use of limited data sets is strictly controlled and must be approved before a person or entity within the University of Florida enters into any agreements. After approval, a limited data set may be used or disclosed, only if a data use agreement is established with a recipient.
 - a. A limited data set created by the university may include a link field to allow re-identification of the individual. The link field may incorporate portions of direct identifiers; for example, initials plus a sequence number or an encrypted portion of a SSN.
 - b. The limited data set is subject to the minimum necessary rules of HIPAA.
 - c. The limited data set is *not* subject to disclosure accounting.
 - d. Whenever a limited data set is to be used or disclosed for research, public health, or health care operations purposes, the university requires the use of the Data Use Agreement template. The limited uses and disclosures of the protected health information will be defined in detail by the purpose statements in the data use agreement.
3. If an outside entity creates a limited data set on behalf of the University of Florida, using protected health information received from UF, it must have first signed a business associate agreement with UF.
4. If a University of Florida employee creates the limited data set, that employee, will, for that purpose, be a member of the UF HSC workforce, and shall complete appropriate HIPAA training and follow applicable UF policies regarding privacy of health information.

□ DEFINITIONS

1. *Limited Data Set*: A limited data set is protected health information that excludes the following direct identifiers of the patient or of relatives, employers, or household members of the patient:
 - a. Names;
 - b. Postal address information, other than town or city, State, and zip code;
 - c. Telephone numbers;
 - d. Fax numbers;
 - e. Electronic mail addresses;
 - f. Social security numbers;
 - g. Medical record numbers;
 - h. Health plan beneficiary numbers;
 - i. Account numbers;
 - j. Certificate/license numbers;
 - k. Vehicle identifiers and serial numbers, including license plate numbers;
 - l. Device identifiers and serial numbers;
 - m. Web Universal Resource Locators (URLs);
 - n. Internet Protocol (IP) address numbers;
 - o. Biometric identifiers, including finger and voice prints; and
 - p. Full face photographic images and any comparable images.

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HIPAA: Limited Data Sets (continued)

2. *Data Use Agreement:* An agreement or contract that establishes the uses and disclosures of protected health information by the recipient of a limited data set.

PRIVACY REQUIREMENTS

1. **Data Use Agreement Required:** The University of Florida may use or disclose a limited data set only if a data use agreement is established stating that the recipient will only use or disclose the protected health information for limited purposes.
2. **Contents.** A data use agreement must:
 - a. Establish the permitted uses and disclosures of such information by the recipient. The data use agreement may not authorize the recipient to use or further disclose the information in a manner that would violate federal privacy regulations;
 - b. Establish and define who is permitted to use or receive the limited data set; and
 - c. Provide that the limited data set recipient will:
 - 1) Not use or further disclose the information other than as permitted by the agreement or as otherwise required by law;
 - 2) Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the agreement;
 - 3) 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;
 - 4) Ensure that any agents, including subcontractors, to whom it provides the limited data set agree to the same restrictions and conditions that apply to the recipient; and
 - 5) Not identify the information or contact the patients.
3. **Compliance:** The University of Florida is required, if a pattern of activity or practice of a Limited Data Set recipient were discovered, that constituted a material breach or violation of the data use agreement, to take immediate reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful:
 - a. Discontinue disclosure of protected health information to the recipient; and
 - b. Report the problem to the Secretary of Health and Human Services.

PROCEDURE

Contact the UF Department of Sponsored Research or the UF HSC Office of Contracts and Related Services to apply for a Data Use Agreement.

REFERENCES

HIPAA Regulations: § 164.514 (e) (Limited Data Sets)

EXHIBITS None