



## Oklahoma State University

<b>Title: Limited Data Set</b>	<b>Policy #: PRV-07.05</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.514(e)(1)</b>
<b>Standard: Limited Data Set</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 3</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

Identify limited data sets and permitted usage.

### POLICY:

OSU may use or disclose a limited data set that meets the requirements of paragraphs (1) and (2) of this policy, if OSU enters into a data use agreement with the limited data set recipient, in accordance with paragraph (3) of this policy. §164.514(e)(1)

1. A limited data set is protected health information that excludes the following direct identifiers of the individual or of relatives, employers, or household members of the individual: §164.514(e)(2)
  - a. Names; §164.514(e)(2)(i)
  - b. Postal address information, other than town or city, State, and zip code; §164.514(e)(2)(ii)
  - c. Telephone numbers; §164.514(e)(2)(iii)
  - d. Fax numbers; §164.514(e)(2)(iv)
  - e. Electronic mail addresses; §164.514(e)(2)(v)
  - f. Social security numbers; §164.514(e)(2)(vi)
  - g. Medical record numbers; §164.514(e)(2)(vii)
  - h. Health plan beneficiary numbers; §164.514(e)(2)(viii)
  - i. Account numbers; §164.514(e)(2)(ix)
  - j. Certificate/license numbers; §164.514(e)(2)(x)
  - k. Vehicle identifiers and serial numbers, including license plate numbers; §164.514(e)(2)(xi)
  - l. Device identifiers and serial numbers; §164.514(e)(2)(xii)
  - m. Web Universal Resource Locators (URLs); §164.514(e)(2)(xiii)
  - n. Internet Protocol (IP) address numbers; §164.514(e)(2)(xiv)
  - o. Biometric identifiers, including finger and voice prints; and §164.514(e)(2)(xv)
  - p. Full face photographic images and any comparable images. §164.514(e)(2)(xvi)
2. Permitted Uses and Disclosures –
  - a. OSU may use or disclose a limited data set under paragraph (1) of this policy only for the purposes of research, public health, or health care operations. §164.514(e)(3)(i)
  - b. OSU may use protected health information to create a limited data set that meets the requirements of paragraph (1) of this Policy, or disclose protected health information only to



## Oklahoma State University

<b>Title: Limited Data Set</b>	<b>Policy #: PRV-07.05</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.514(e)(1)</b>
<b>Standard: Limited Data Set</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 2 of 3</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

a business associate for such purpose, whether or not the limited data set is to be used by OSU. *§164.514(e)(3)(ii)*

### 3. Data Use Agreement

- a. Agreement Required – OSU may use or disclose a limited data set under paragraph (1) of this policy only if OSU obtains satisfactory assurance, in the form of a data use agreement that meets the requirements of this policy, that the limited data set recipient will only use or disclose the protected health information for limited purposes. *§164.514(e)(4)(i)*
- b. Contents - A data use agreement between OSU and the limited data set recipient must: *§164.514(e)(4)(ii)*
  - i. Establish the permitted uses and disclosures of such information by the limited data set recipient, consistent with paragraph (2) of this policy. 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 of the Privacy Rule, if done by OSU; *§164.514(e)(4)(ii)(A)*
  - ii. Establish who is permitted to use or receive the limited data set; and *§164.514(e)(4)(ii)(B)*
  - iii. Provide that the limited data set recipient will: *§164.514(e)(4)(ii)(C)*
    1. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law; *§164.514(e)(4)(ii)(C)(1)*
    2. Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the data use agreement; *§164.514(e)(4)(ii)(C)(2)*
    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; *§164.514(e)(4)(ii)(C)(3)*
    4. Ensure that any agents to whom it provides the limited data set agree to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and *§164.514(e)(4)(ii)(C)(4)*
    5. Not identify the information or contact the individuals. *§164.514(e)(4)(ii)(C)(5)*
- c. Compliance –
  - i. OSU is not in compliance with the standards in the first paragraph of this policy if OSU knew 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 the



## Oklahoma State University

<b>Title: Limited Data Set</b>	<b>Policy #: PRV-07.05</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.514(e)(1)</b>
<b>Standard: Limited Data Set</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 3 of 3</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

covered entity took reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful: §164.514(e)(4)(iii)(A)

1. Discontinued disclosure of protected health information to the recipient; and §164.514(e)(4)(iii)(A)(i)
  2. Reported the problem to the Secretary. §164.514(e)(4)(iii)(A)(ii)
- ii. A covered entity that is a limited data set recipient and violates a data use agreement will be in noncompliance with the standards, implementation specifications, and requirements of the first paragraph of this policy. §164.514(e)(4)(iii)(B)

### PROCEDURE:

OSU may use and disclose a limited data set without authorization for the purposes of research, public health, or operations if OSU and the recipient of the data enter into a data use agreement. Any such use of a limited data set outside of a data use agreement is not appropriate and will be addressed with.

Any requests to enter into a data use agreement will be approved or denied by the HIPAA Compliance Office or designee. Any requests that do not meet the above policy requirements will automatically be denied and will not be considered until the agreement satisfies this policy and Federal Regulations.

Any Use or Disclosure of information outside of the Data Use Agreement is not appropriate and the Breach Notification Rules will need to be followed to determine official breach status.

If OSU is the limited data set recipient and violates the data use agreement, we will be liable for any such inappropriate use and disclosure. OSU shall notify the affected covered entity without delay or as required by the agreement.