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VIDANT HEALTH™

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Owner: Amy Firkus: Executive Assistant (E)
Policy Area: VH HIPAA
References:
Applicability: Vidant Health System-Wide

Disclosure of a Limited Data Set, VH–HIP35

Policy

This entity may use or disclose a limited data set as long as it meets the requirements outlined in this policy and enters into a data use agreement with the recipient of the information. A limited data set may be used for the purpose of research, public health or health care operations.

Definitions

Refer to [VH-HIP 38, HIPAA Definitions](#)

Limited Data Set: Protected Health Information that **excludes** the following direct identifiers of the individual or of 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.

Limited Data Set elements include:

1. Zip codes;
2. Geographical codes;
3. Dates of birth;
4. Other date information; and
5. Any other code not specified above in 1 – 16.

Procedure

Prior to entering into a **Data Use Agreement, Vidant Health Office of General Counsel must be contacted.**

This entity may use or disclose a Limited Data Set only if the entity has obtained satisfactory assurance, in the form of a data use agreement, that meets the following requirements:

1. That the Limited Data Set recipient will only use or disclose the Protected Health Information for limited purposes.

A data use agreement between the entity and the Limited Data Set recipient must:

- A. Establish the permitted uses and disclosures of such information by the Limited Data Set recipient. 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 if done by the covered entity.
- B. Establish 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 data use 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 data use 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 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
 5. Not identify the information or contact the individuals.

Compliance

This entity is not in compliance with these standards if they know 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 this entity took reasonable steps to cure the breach or end the violation, as applicable, and if such steps were unsuccessful:

1. Discontinued disclosure of Protected Health Information to the recipient; and
2. Reported the problem to the Secretary of the Department of Health and Human Services.

A covered entity that is a Limited Data Set recipient and violates a data use agreement will be in noncompliance with the Standards and Requirements. Limited Data Set disclosures are not subject to the data subject's accounting right, but they are subject to the minimum necessary standard (See *Minimum Necessary*

policy [VH-HIP 16.](#))

Attachments:

No Attachments

Approval Signatures

Step Description	Approver	Date
Legal Review	Vicki Haddock: VP, Office of Gen Counsel	03/2019
Chief Audit and Compliance Officer	Gail Brown: Chief Audit-Compl Officer	03/2019
Legal Review 1	Kelly Eakes: Policy Admin Coordinator	03/2019
Legal Review 1	Li-Ling Wilford: Associate General Counsel	03/2019
Privacy Analyst	Lori Edmondson: Privacy Analyst	03/2019
	Amy Firkus: Executive Assistant (E)	02/2019

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