

Data Recipient:

Review Date:

Reviewer:

☑ HIPAA Limited Data Set and Data Use Agreement (DUA) Checklist

General Information

A Limited Data Set (LDS) is a limited set of identifiable patient information per HIPAA Privacy Regulations.

A LDS may be shared with an outside person/entity *without written patient authorization* if two basic conditions are met:

- 1) The purpose of the disclosure is for research, public health or health care operations and
- 2) The party disclosing the information signs a DUA with the data recipient.

A LDS is still PHI, but has direct identifiers removed.

All of the following direct identifiers about the individual or their relatives, employers, or household members may not be used in a LDS. §164.514(e)(2)

<ul style="list-style-type: none">• names;• street addresses;• telephone numbers;• fax numbers;• e-mail addresses;• Social Security numbers;• medical records numbers;• health plan beneficiary numbers;• account numbers;	<ul style="list-style-type: none">• certificate license numbers;• vehicle identifiers, serial numbers, license plates;• device identifiers and serial numbers;• URLs;• IP address numbers;• biometric identifiers; and• full face photos (or comparable images).
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Health information that may remain and be used in a LDS includes:

- dates such as admission, discharge, service, death, or DOB;
- city, state, five digit or more zip code; and
- ages in years, months or days or hours.

Special Notes:

- Use this checklist whenever UF/UFHealth is either releasing or receiving a LDS.
- A DUA is not needed if the information is de-identified under HIPAA.
- The UF DUA template is preferred whenever UF discloses a LDS. However, when UF received a LDS from an outside party, UF may be asked to sign that party's DUA.
- Data Disposition and Reporting Breaches – be mindful of requirements and timelines. Agreeing to shorter time frames like 24 hours to notify are difficult to comply with.

DUA Requirements - General

- Purpose of data sharing is only for Research, Public Health, or Health Care Operations. §164.514(e)(3)
- DUA establishes permitted uses and disclosures of the information by the LDS recipient. §164.514(e)(4)(ii)(A)
- Establish / describe who is permitted to use or receive the LDS. §164.504(e)(4)(ii)(B)
- DUA may not authorize LDS recipient to use or further disclose the information in a manner that would violate the requirements of HIPAA. §164.514(e)(4)(ii)(A)

Provide that the recipient of the information will:

- Not use or further disclose the information other than as permitted by the DUA or as required by law; §164.504(e)(4)(ii)(C)(1)
- Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the DUA; §164.504(e)(4)(ii)(C)(2)
- Report to the covered entity any use or disclosure of the information not provided for by its DUA of which it becomes aware; §164.504(e)(4)(ii)(C)(3)
- Ensure that any agents to whom it provides the LDS agree to the same restrictions and conditions that apply to the LDS recipient with respect to such information; and §164.504(e)(4)(ii)(C)(4)
- Not identify the information or contact the individuals. §164.504(e)(4)(ii)(C)(5)

HIPAA DUA Citations and Resources

- ✓ [HIPAA § 164.514\(e\) Standard: Limited Data Set](#)
- ✓ [HHS OCR Frequently Asked Question: Limited Data Sets](#)