

A3.4 – DATA USE AND DATA SHARING

Purpose

The purpose of this policy is to describe the Iowa HHS process for ensuring compliance (including the recipient, SR and service sites) with the expectation that recipients may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The federal government reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes, and to authorize others to do so. The awardee is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR § 401.

The federal government has the right to: obtain, reproduce, publish, or otherwise use the data produced under this award; and authorize others to receive, reproduce, publish, or otherwise use such data for federal purposes. (43 CFR § 75.322).

Procedure

Family Planning Data System

1. Each SR must report client-level data through the online FP data system for all individuals who receive Title X FP services. As part of the data collected, data will be used to determine different QI/QA activities.
2. Iowa HHS will ensure that each SR has access to the online FP data system and each SR will be responsible to determine appropriate staff to have access. Individual client level data is required to be entered on a monthly basis as outlined in the program contract.

Family Planning Data

1. Title X data shall only be used for the purposes outlined within the contract and shall ensure that the minimum number of individuals has access to the information, as necessary, to complete program work.
2. Title X requirements state: “All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and not be disclosed without the individual's documented consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical or other form that does not identify particular individuals. Refer to Confidentiality Policy for additional detail and guidance.
3. Therefore, SRs may only release their own agency FP data in aggregate reports. No identifiable data may be released at any time. Identifiable data includes information that can directly or indirectly be used to establish the identity of a person, such as a name, address, or other information that can be linked to external information that allows for identification of the person. Aggregate data should generally not be reported if the count size or numerator is fewer than six or if the denominator is fewer than 100. Refer to Iowa HHS' Disclosure of Confidential Public Health Information Records or Data Policy #CO 01-16-002 for additional detail.
4. Any subcontracted entity hosting or maintaining clinical records or identifiable data and all IT staff with access to confidential or protected information must attest to the requirement of these safeguards in contract via the

Business Associate Agreement or an attestation document. Copies of the appropriate documentation will be available for review by Iowa HHS staff.

Date Revised	September 2023
References	<p>Title X Program Handbook Additional Special Terms and Requirements and Standard Terms of the FY 22 Title X Notice of Award—Standard Terms Expectation #6 https://opa.hhs.gov/sites/default/files/2022-08/title-x-program-handbook-july-2022-508-updated.pdf#page=29</p> <p>37 CFR § 401 - Rights To Inventions Made By Nonprofit Organizations And Small Business Firms Under Government Grants, Contracts, And Cooperative Agreements https://www.ecfr.gov/current/title-37/chapter-IV/part-401</p> <p>45 CFR § 75.322 Intangible property and copyrights. https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75/subpart-D/subject-group-ECFR78b08d9c95aad03/section-75.322</p>
Additional Resources	<p>HHS data sharing agreement (DSA) Policy #CO 01-16-001, HHS Research Agreement and Research and Ethics Review Committee Policy # AD 07-12-004, HHS Disclosure of Confidential Public Health Information Records or Data Policy #CO 01-16-002, the Release of Information and Confidentiality of Records and Data Section within the HHS General Conditions, and any future revisions to any of these.</p>