



Health Care IT Committee

**CESC, Washington Conf. Room
March 19, 2012 – 12:00pm to 2:00pm**

Members Attending:

John Willinger, Shirley Payne, Maurion Edwards

Also Attending:

Jon Smith

Discussed:

- Data sharing agreement between VEC and BDHDS.
- What the committee comes up with it should go to a legal team to review
- Define what rights does entity B have over entity A's data.
- Agency to agency agreement.
- What about intellectual property?
- DURSA agreement would be like one stop shopping, if there was something DURSA didn't cover, it would have to be included in another agreement.
- Maurion is on the DURSA oversight committee
- What are some requirements that Shirley (UVA) would need to consider (for Universities)? Rights and licenses to University data, IP rights and disclosure, data privacy, data security, background checks and qualifications, data authenticity and integrity, security breach section - response and notification, liability section - if vendor is liable for the breach they are liable with costs associated with notification etc,
- At UVA – the vendor more or less becomes a data custodian
- Agreement is part of the contract
- Must consider the legal responsibilities

Basic agreement:

Who (to and from)

when - length of agreement

Justification or why?

What : data type (HIPAA, PCI, FTI, FERPA, PII, Gramm-Leach Bliley)

How : how is this data being shared? This is where specific methods required for the data types.

Transport methods, security requirements. ***Privacy - CONUS***

Roles and Responsibilities:

Where data resides after transferred

Additional considerations:

How to respond to legal issues

Disposition of Data after agreement expires

Define roles of parties involved

Any other parties/agreements including data to be shared

Parties in agreement are accountable for sub-contract agreement *(depending on the role - gotta make sure the role could come back to who and how)*

Legal considerations-

(FOIA and Records Retention Act may need to be considered)

IP Rights & Non-disclosure agreements

Breach notification responsibilities and liabilities by role

Estimated document length:

Who, when, why - 1 page

What - 1 page

How - 1-2 pages

Roles and responsibilities - 2-3 pages

Legal - 2-4 pages

2 pages for our definitions

Deliverable:

Task:

Target Date:

Next meeting: