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North Sound Behavioral Health Administrative Services Organization, LLC

Section 2500 – Privacy: De-Identified Information and Limited Data Sets

Authorizing Source: 45 CFR 164.514 (HIPAA); 42 CFR Part 2 (Part 2); RCW 70.02

Approved by: Executive Director Date: 2/25/2025 Signature:

POLICY # 2503.00

SUBJECT: DE-IDENTIFIED INFORMATION AND LIMITED DATA SETS

PURPOSE

In compliance with HIPAA, Part 2, State Law and any applicable Business Associate Agreements (BAAs) and Qualified Service Organization Agreements (QSOAs) with Upstream Covered Entities, this policy sets out the process for creating, Using and Disclosing De-Identified Data and Limited Data Sets.

Capitalized terms have special meanings. Definitions under this policy include Business Associate Agreement (BAA), Data Use Agreement, De-Identified Data, Health Care Operations, Individual, Limited Data Set, Part 2 Information, Protected Health Information (PHI), Research and Upstream Covered Entity. See Policy 2502.00: Definitions for Policies Governing PHI.

POLICY

North Sound Behavioral Health Administrative Services Organization (North Sound BH-ASO) will create De-Identified Data for Use or Disclosure in any circumstance when that information can be used, effectively and efficiently, in place of PHI.

North Sound BH-ASO will create Limited Data Sets for Use or Disclosure when that information can be used, effectively and efficiently, in place of full PHI, as long as the recipient enters into a Data Use Agreement and Uses and Discloses the Limited Data Set only for a permitted purpose.

To the extent North Sound BH-ASO is acting as a Business Associate, the Privacy Officer will verify that North Sound BH-ASO is permitted to create De-Identified Data and Limited Data Sets under its BAAs with Upstream Covered Entities.

PROCEDURES

1. **De-Identification.** North Sound BH-ASO will de-identify PHI and/or Use and Disclose De-Identified Data when feasible. PHI that North Sound BH-ASO creates, receives, maintains or transmits as a Business Associate of Upstream Covered Entities may be de-identified only if permitted under all applicable BAAs. North Sound BH-ASO will consider PHI to be De-Identified Data if it meets one of the following criteria:

- 1.1 **Statistician Opinion.** A Person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods (e.g., a qualified statistician), applying these principles and methods, has determined the risk is very small that the information could

be used alone, or in combination with other reasonably available information, by an anticipated recipient to identify an Individual and documents the methods and results of the analysis that justify the determination.

- 1.2 **Removal of Identifiers.** All of the specified identifiers have been removed and North Sound BH-ASO does not have actual knowledge that the remaining information could be used, alone or with other information, to identify an Individual who is the subject of the information:

- 1.2.1 The following identifiers of the Individual and the Individual's relatives, employers or household members have been removed:

- (a) Names;
- (b) Geographic subdivisions smaller than a state, except for the initial 3 digits of a zip code for geographic area with more than 20,000 people;
- (c) All elements of dates (including birth, admission and discharge dates and dates of death), except for the year, for all individuals under 89 years of age and all elements of dates for those over 89 years of age except for presentation as a single over-90 category;
- (d) Telephone or fax numbers or e-mail addresses, Universal Resource Locators (URL) or Internet Protocol (IP) addresses;
- (e) Social Security numbers;
- (f) Medical record numbers;
- (g) Health plan beneficiary numbers;
- (h) Account numbers;
- (i) Certificate or license numbers;
- (j) Vehicle identifiers and serial numbers;
- (k) Device identifiers and serial numbers;
- (l) Biometric identifiers such as finger or voice prints;
- (m) Full face photographic images and the like;
- (n) Deoxyribonucleic acid (DNA) and identified sequence of chemical base pairs (under State Law); and
- (o) Any other unique identifying number, code or characteristic except for a re-identification code.

- 1.2.2 The re-identification code may not be derived from, or related to, information about the Individual and may not be otherwise translatable to identify the Individual. North Sound BH-ASO will not Use or Disclose the code for any purpose, nor the means of re-identification.

For additional information in determining whether data is De-Identified Data, please refer to Policy 2502.00: Definitions (definition of De-Identified Data).

2. **Limited Data Sets.** North Sound BH-ASO will create Limited Data Sets for Use or Disclosure in circumstances when that information can be used effectively and efficiently for Research, Public Health or Health Care Operations. North Sound BH-ASO may create Limited Data Sets from PHI that North Sound BH-ASO creates, receives, maintains or transmits as a Business Associate of an Upstream

Covered Entity only if permitted under all applicable BAAs. A Limited Data Set contains information that is almost De-Identified Data except that a Limited Data Set may contain dates and more specific location information (e.g., town or city, State and zip code, but not postal address information).

- 2.1 **Permitted Purposes.** Limited Data Sets may be used or disclosed only for Research, Public Health or Health Care Operations.
- 2.2 **Requirements of Limited Data Sets.** North Sound BH-ASO will consider PHI to be in the form of a Limited Data Set if it excludes all the direct identifiers described in Section 1.2.1 of this policy, except a Limited Data Set may include: city; state; zip code; elements of date; and other numbers, characteristics or codes not listed as direct identifiers. See also Policy 2502.00: Definitions (definition of “Limited Data Set”).
- 2.3 **No Part 2 Information.** Part 2 Information may not be included in a Limited Data Set.
- 2.4 **Data Use Agreement.** Any Use or Disclosure of a Limited Data Set may be made only if the recipient first enters into a Data Use Agreement.

2.4.1 A Data Use Agreement must include the following requirements:

- (a) The Limited Data Set recipient will Use or Disclose information contained in the Limited Data Set for the limited purposes described in the Data Use Agreement, which may be only Research, Public Health or Health Care Operations, and not further Disclose the information in a way that would be inconsistent with the Privacy Rule as it would apply to North Sound BH-ASO or an Upstream Covered Entity;
- (b) Only the recipient specified in the Data Use Agreement may Use or receive the Limited Data Set;
- (c) The recipient will not Use or further Disclose the information contained in the Limited Data Set in a manner that violates the Data Use Agreement or the law and will use appropriate safeguards to prevent any Uses or Disclosures other than the permitted Uses or Disclosures;
- (d) The recipient will report to North Sound BH-ASO any Use or Disclosure of PHI in the Limited Data Set that is not permitted by the Data Use Agreement of which it becomes aware;
- (e) The recipient will ensure that any agent who is provided with a Limited Data Set agrees to the same restrictions and conditions as apply to the recipient; and
- (f) The recipient will not identify the information or contact the Individuals.

2.3.2 In the event that North Sound BH-ASO becomes aware of a pattern of activity or practice by a recipient that constitutes a material breach of the Data Use Agreement, North Sound BH-ASO will take reasonable steps to cure the breach and, if those steps are unsuccessful: (a) discontinue Disclosure of Limited Data Sets to that recipient; and (b) report the problem to the Secretary of Department of Health and Human Services.

- 3. **North Sound BH-ASO as a Business Associate of Upstream Covered Entities.** To the extent North Sound BH-ASO is acting as a Business Associate of Upstream Covered Entities, the Privacy Officer will

verify that North Sound BH-ASO is permitted to create De-Identified Data and Limited Data Sets under its BAAs with the Upstream Covered Entities.

4. **Documentation.** Documentation related to De-Identified Data and Limited Data Sets shall be retained for at least six (6) years from the date of its creation or the date when it was last in effect, whichever is later. Documentation retention requirements include:
 - 4.1 **Policies and procedures for De-Identified Data and Limited Data Sets.**
 - 4.2 **Data Use Agreements.**
 - 4.3 **Statistical documentation supporting De-Identified Data.**
5. **Related Policies.** Other policies and procedures to review that are related to this policy:
 - 5.1 **Policy 2501.00: Privacy and Confidentiality.**
 - 5.2 **Policy 2502.00: Definitions for Policies Governing PHI.**
 - 5.3 **Policy 2513.00: Research.**

ATTACHMENTS

None