

# DRC Guide to HPD Data Use, Access, and Release Regulations

REGULATION SECTIONS	TYPE OF HPD DATA REQUEST			
	Enclave Access Limited Data	Enclave Access Research Identifiable	Direct Transmission Standardized Limited Datasets	Direct Transmission Confidential Data
<b>Data Available Under Request Type</b>	<p>“Standardized Limited Datasets” are datasets developed by the Department with confidential data that <b>do not include</b> any of the direct personal identifiers listed in Section 164.514€ of Title 45 of the Code of Federal Regulations and have the minimum necessary personal information for types of purposes specified by the Department.</p> <p>Definition = 97380(s)</p> <p>“Custom Limited Datasets” are datasets other than standardized limited datasets, with confidential data that do not include any of the direct personal identifiers listed in Section 164.514(e) of Title 45 of the Code of Federal Regulations.</p> <p>Definition = 97380(d)</p> <p>[Statutory Reference: HSC 127673.83(b)(1).]</p>	<p>“Research Identifiable” is identifiable/record- level patient or individual consumer HPD data <b>with</b> any of the direct personal identifiers listed in 45 CFR 164.514(e).</p> <p>Definition = 97380(q).</p> <p>[Statutory Reference: HSC 127673.83(b)(2).]</p>	<p>“Standardized Limited Datasets” are datasets developed by the Department with confidential data that <b>do not include</b> any of the direct personal identifiers listed in Section 164.514€ of Title 45 of the Code of Federal Regulations and have the minimum necessary personal information for types of purposes specified by the Department.</p> <p>Definition = 97380(s).</p> <p>[Statutory Reference: HSC 127673.83(c)(1).]</p>	<p>“Confidential data” is identifiable/record- level patient or individual consumer HPD data. This includes Research Identifiable Datasets and Limited Datasets.</p> <p>Definition = 97380(c)</p> <p>[Statutory Reference: HSC 127673.83(c)(2) and 127673.81(a).]</p>

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<b>What HCAI Can do to Review Applications (97386)</b>	Applies to all. This regulation (97386) states that HCAI can do the any of the following when reviewing applications: (1) seek further info from applicant; (2) seek input and recommendations from the Data Release Committee; and (3) seek input from other sources.			
<b>Mandatory and Discretionary Reasons for Denial 97388(a), (b) (1-4, 7), and (c)</b>	Mandatory Denials applicable to all data requests: (b)(1) Illegal to disclose, (b)(2) Agreement to obtain data prohibits release, (b)(3) Privacy violation or safety risk to individuals, (b)(4) Inconsistent with HPD goals, and (b)(7) prohibited use of data for decisions regarding an individual. Discretionary denials: Can deny for good cause and gives examples, (1) noncompliance with data application requirements, (2) is a data submitter and not in compliance with HPD submission requirements, and (3) reason to disclose does not outweigh reason to withhold.			
<b>Mandatory Reason for Denial: More than Minimum Necessary Amount of Data for Use (97388(b)(5)(A) and (B))</b>	Yes			
<b>Mandatory Reason for Denial: Unnecessary Personnel (97388(b)(5)(C))</b>	Yes			

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<b>Mandatory Reason for Denial:</b>  <b>Data Security Standards in 97406 (97388(b)(6)(B))</b>	No	No	Yes  All HPD data applicants for confidential data using direct transmission must meet the requirements outlined in 97406 (b), (c), (d), and (e)  HSC 127673.83(c)(1)	Yes  All HPD data applicants for confidential data using direct transmission must meet the requirements outlined in 97406 (b), (c), (d), and (e)  HSC 127673.83(c)(2)
<b>Mandatory Reasons for Denial:</b>  <b>Statutory Requirements for Data Use</b>	Yes, requirement is unique  97392(b): The proposed use of the requested confidential data is <b>not for research or analysis purposes</b> .  HSC 127673.83(b)(1): data provided “for research and analysis purposes”	Yes  97394(b)(1): The proposed use of the confidential data is <b>not for a research project</b>  HSC 127673.83(b)(2): data provided “for research projects”	Yes, requirement is unique  97396(b)(1): The proposed use of the confidential data is <b>inconsistent with the purposes specified by the Department for the requested standardized limited dataset</b>  HSC 127673.83(c)(1): has confidential data “for types of purposes specified by the department”	Yes [same as for Research Identifiable Data Access]  97398(b)(2): The proposed use of the confidential data is <b>not for a research project</b>  HSC 127673.83(c)(2): [citing (b)(2)] data provided “for research projects”
<b>Mandatory Reasons for Denial:</b>  <b>Special Statutory Requirements re: HPD Goals</b>	No  All applications must be consistent with program goals  HSC 127673.83(b)(1): data provided for “purposes consistent with program goals”	Yes  97394(b)(2): The research project does not offer <b>significant opportunities to achieve program goals</b>  HSC 127673.83(b)(2): data provided for uses “that offer significant opportunities to achieve program goals”	No  All applications must be consistent with program goals  [Note: must be used for purposes specified by HCAI]  HSC 127673.83(b)(1): data provided for “purposes consistent with program goals”	Yes [same as for Research Identifiable Data Enclave Access]  97398(b)(3): The research project does not offer <b>significant opportunities to achieve program goals</b>  HSC 127673.83(c)(2): [citing (b)(2)] data provided for uses “that offer significant opportunities to achieve program goals”