Addressing Law to Share IIS Data Among States

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Who we are and what we do

- Launched 2010
- Primary funding Robert Wood Johnson Foundation
- Provide public health legal support:
  - Technical assistance
  - Resources
  - Opportunities to build connections
- National Coordinating Center and five regional centers provide nationwide coverage

NVAC Meeting, 02/10/2015
Using law to increase immunization

- Health officer authority
- Exemption requirements
- School exclusion of unvaccinated children during outbreaks
- Collection, sharing, and protection of data
- Immunization information systems
Legal memorandum cross-jurisdictional exchange IIS data

- Assist public health to determine its legal authority to exchange IIS information with other jurisdictions
- Provide practical guidance to resolve legal issues and create data sharing agreements
- Identify approaches to facilitate nationwide exchange
General barriers to exchange

- State law applies – variation among states
- General vs. specific authority to exchange data
- Scope of sharing: prerequisites, conditions & limits
- Within a state – applicability of multiple laws, need to harmonize
- Variety and changing systems, manner of exchange, technological capability
  - -- Growing complexity, multiple points of data transfer, HIE laws
National solutions to facilitate exchange?

- **National IIS**
  - 1993: Congress rejected national IIS provisions in Child Immunization Act
  - 1999: NVAC report outlines policy directions and major steps needed to establish nationwide network of community/state population-based registries

- **Model or uniform state law**
  - 2005: Model Interstate Immunization Information Sharing Statute

- **Master data sharing agreement (e.g. vital records; cancer registries)**

- **Piecemeal exchange among groups of states**
Specific barriers to exchange among five states convened by ASTHO

- One state: no authority to disclose information to other jurisdictions
- Limits on scope of authority to disclose information to other IIS
- Restrictions on data elements that can be shared
- Limits on use and disclosure of information by receiving state
- Sending IIS’ responsibility for information once sent
- Deleting data when right to opt-out exercised in sending state (applicability to information previously sent)
Data sharing agreement to exchange IIS information

- Some laws require DSA
- Necessary, even if not explicitly required
- Sets out legal authority, terms for sharing, provides for monitoring and accountability for compliance with terms
- IIS memorandum provides components to consider for DSA (Appendix C)
Data sharing agreement provisions

- Parties
- Purpose
- Definitions
- Data to be provided (elements, frequency, method of exchange)
- Incorporation, use and disclosure of data
- Privacy, confidentiality, security, breach notification
- Termination
- **Contract boilerplate** (e.g. authority, entire agreement, severability, warranties, limitation on liability, compliance with law, etc.)
Thank you!

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