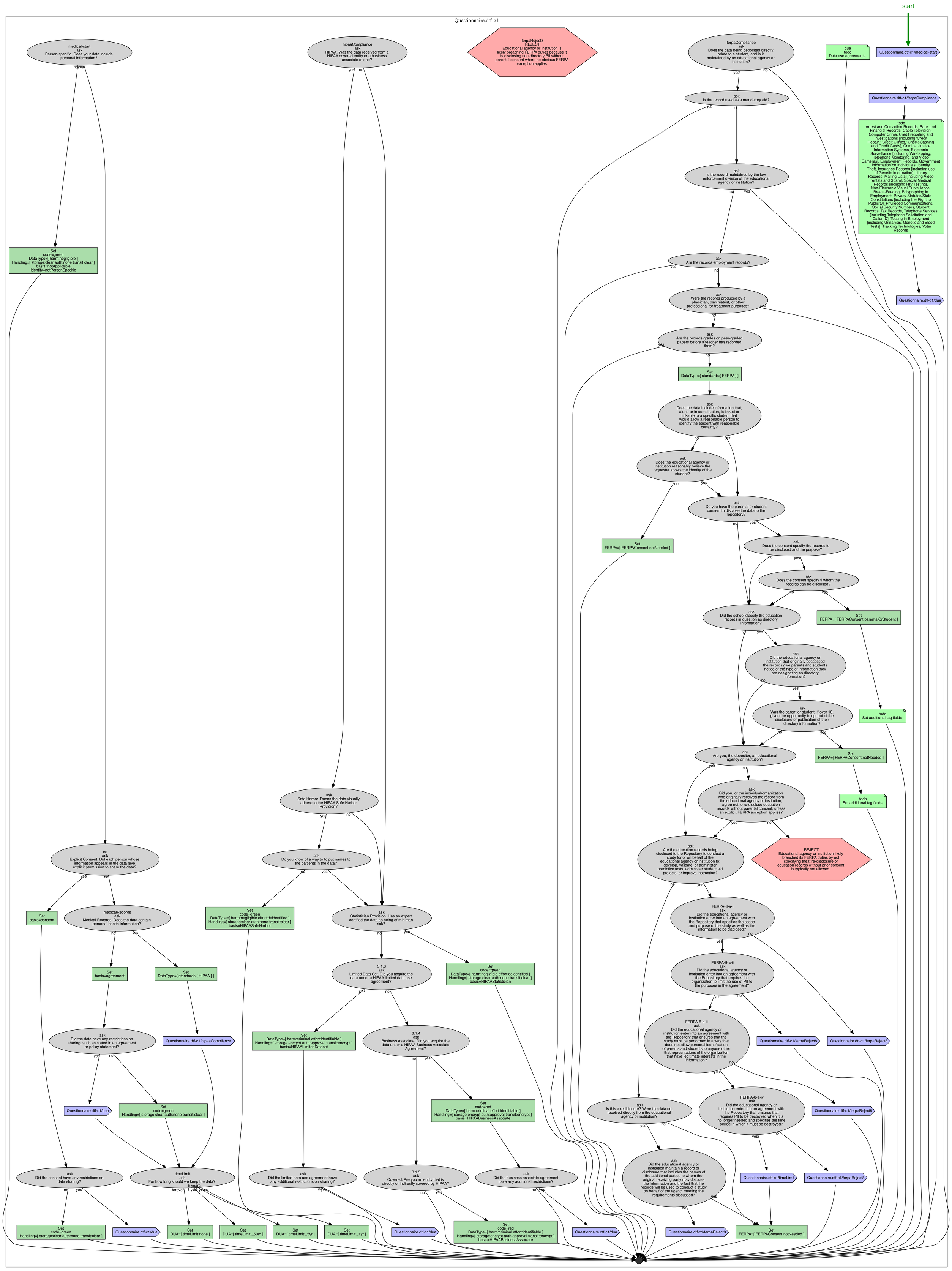
start
Questionnaire.dtf-c1
medical-start
ask
Person-specific. Does your data include personal information?
no
yes
Set
code=green
DataType=[harm:negligible]
Handling=[storage:clear auth:none transit:clear]
basis=notApplicable
identity=notPersonSpecific
ec
ask
Explicit Consent. Did each person whose information appears in the data give explicit permission to share the data?
yes
no
Set
basis=consent
medicalRecords
ask
Medical Records. Does the data contain personal health information?
no
yes
Set
basis=agreement
Set
DataType=[standards:[HIPAA]]
ask
Did the data have any restrictions on sharing, such as stated in an agreement or policy statement?
yes
no
Questionnaire.dtf-c1/hipaaCompliance
Questionnaire.dtf-c1/dua
Set
code=green
Handling=[storage:clear auth:none transit:clear]
ask
Did the consent have any restrictions on data sharing?
no
yes
timeLimit
ask
For how long should we keep the data?
5 years
forever
1 year
10 years
Set
code=green
Handling=[storage:clear auth:none transit:clear]
Questionnaire.dtf-c1/dua
Set
DUA=[timeLimit:none]
Set
DUA=[timeLimit:_50yr]
Set
DUA=[timeLimit:_5yr]
Set
DUA=[timeLimit:_1yr]
hipaaCompliance
ask
HIPAA. Was the data received from a HIPAA covered entity or a business associate of one?
yes
no
ask
Safe Harbor. Doens the data visually adhere to the HIPAA Safe Harbor Provision?
yes
no
ask
Do you know of a way to to put names to the paitients in the data?
no
yes
Set
code=green
DataType=[harm:negligible effort:deidentified]
Handling=[storage:clear auth:none transit:clear]
basis=HIPAASafeHarbor
ask
Statistician Provision. Has an expert certified the data as being of miniman risk?
no
yes
3.1.3
ask
Limited Data Set. Did you acquire the data under a HIPAA limited data use agreement?
yes
no
Set
code=green
DataType=[harm:negligible effort:deidentified]
Handling=[storage:clear auth:none transit:clear]
basis=HIPAAStatistician
Set
DataType=[harm:criminal effort:identifiable]
Handling=[storage:encrypt auth:approval transit:encrypt]
basis=HIPAALimitedDataset
3.1.4
ask
Business Associate. Did you acquire the data under a HIPAA Business Associate Agreement?
no
yes
Set
code=red
DataType=[harm:criminal effort:identifiable]
Handling=[storage:encrypt auth:approval transit:encrypt]
basis=HIPAABusinessAssociate
ask
Did the limited data use agreement have any additional restrictions on sharing?
no
yes
3.1.5
ask
Covered. Are you an entity that is directly or indirectly covered by HIPAA?
no
yes
Set
code=red
DataType=[harm:criminal effort:identifiable]
Handling=[storage:encrypt auth:approval transit:encrypt]
basis=HIPAABusinessAssociate
ask
Did the business associate agreement have any additional restrictions?
no
yes
Questionnaire.dtf-c1/dua
ferpaReject8
REJECT
Educational agency or institution is likely breaching FERPA duties because it is disclosing non-directory PII without parental consent where no obvious FERPA exception applies
ferpaCompliance
ask
Does the data being deposited directly relate to a student, and is it maintained by an educational agency or institution?
yes
no
ask
Is the record used as a mandatory aid?
yes
no
ask
Is the record maintained by the law enforcement division of the educational agency or institution?
no
yes
ask
Are the records employment records?
yes
no
ask
Were the records produced by a physician, psychiatrist, or other professional for treatment purposes?
no
yes
ask
Are the records grades on peer-graded papers before a teacher has recorded them?
yes
no
Set
DataType=[standards:[FERPA]]
ask
Does the data include information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person to identify the student with reasonable certainty?
no
yes
ask
Does the educational agency or institution reasonably believe the requester knows the identity of the student?
no
yes
Set
FERPA=[FERPAConsent:notNeeded]
ask
Do you have the parental or student consent to disclose the data to the repository?
no
yes
ask
Does the consent specify the records to be disclosed and the purpose?
no
yes
ask
Does the consent specify ti whom the records can be disclosed?
no
yes
ask
Did the school classify the education records in question as directory information?
no
yes
Set
FERPA=[FERPAConsent:parentalOrStudent]
ask
Did the educational agency or institution that originally possessed the records give parents and students notice of the type of information they are designating as directory information?
no
yes
ask
Was the parent or student, if over 18, given the opportunity to opt out of the disclosure or publication of their directory information?
no
yes
todo
Set additional tag fields
ask
Are you, the depositor, an educational agency or institution?
yes
no
Set
FERPA=[FERPAConsent:notNeeded]
ask
Did you, or the individual/organization who originally received the record from the educational agency or institution, agree not to re-disclose education records without parental consent, unless an explicit FERPA exception applies?
yes
no
todo
Set additional tag fields
ask
Are the education records being disclosed to the Repository to conduct a study for or on behalf of the educational agency or institution to: develop, validate, or administer predictive tests; administer student aid projects; or improve instruction?
no
yes
REJECT
Educational agency or institution likely breached its FERPA duties by not specifying theat re-disclosure of education records without prior consent is typically not allowed.
FERPA-8-a-i
ask
Did the educational agency or institution enter into an agreement with the Repository that specifies the scope and purpose of the study as well as the information to be disclosed?
yes
no
FERPA-8-a-ii
ask
Did the educational agency or institution enter into an agreement with the Repository that requires the organization to limit the use of PII to the purposes in the agreement?
yes
no
FERPA-8-a-iii
ask
Did the educational agency or institution enter into an agreement with the Repository that ensures that the study must be performed in a way that does not allow personal identification of parents and students to anyone other that represntations of the organization that have legitimate interests in the information?
yes
no
Questionnaire.dtf-c1/ferpaReject8
Questionnaire.dtf-c1/ferpaReject8
FERPA-8-a-iv
ask
Did the educational agency or institution enter into an agreement with the Repository that ensures that requires PII to be destroyed when it is no longer needed and specifies the time period in which it must be destroyed?
yes
no
Questionnaire.dtf-c1/ferpaReject8
ask
Is this a rediclosure? Were the data not received directly from the educational agency or institution?
yes
no
ask
Did the educational agency or institution maintain a record or disclosure that includes the names of the additional parties to whom the original receiving party may disclose the information and the fact that the records will be used to conduct a study on behalf of the agenc, meeting the requirements discussed?
yes
no
Questionnaire.dtf-c1/timeLimit
Questionnaire.dtf-c1/ferpaReject8
Questionnaire.dtf-c1/ferpaReject8
Set
FERPA=[FERPAConsent:notNeeded]
dua
todo
Data use agreements
Questionnaire.dtf-c1/medical-start
Questionnaire.dtf-c1/ferpaCompliance
todo
Arrest and Conviction Records, Bank and Financial Records, Cable Television, Computer Crime, Credit reporting and Investigations [including 'Credit Repair,' 'Credit Clinics,' Check-Cashing and Credit Cards], Criminal Justice Information Systems, Electronic Surveillance [including Wiretapping, Telephone Monitoring, and Video Cameras], Employment Records, Government Information on Individuals, Identity Theft, Insurance Records [including use of Genetic Information], Library Records, Mailing Lists [including Video rentals and Spam], Special Medical Records [including HIV Testing], Non-Electronic Visual Surveillance. Breast-Feeding, Polygraphing in Employment, Privacy Statutes/State Constitutions [including the Right to Publicity], Privileged Communications, Social Security Numbers, Student Records, Tax Records, Telephone Services [including Telephone Solicitation and Caller ID], Testing in Employment [including Urinalysis, Genetic and Blood Tests], Tracking Technologies, Voter Records
Questionnaire.dtf-c1/dua