

Centers for Medicare & Medicaid Services (CMS)

Data Use Agreement (DUA) Guidelines

1. Requestor agrees to notify CMS if their project is completed sooner than the expiration date specified in the DUA.
2. Requestor agrees that any data provided by CMS will not be physically moved or electronically transmitted in any way from the site indicated in the DUA without expressed written authorization from CMS. If location needs to be modified, the DUA should be updated to include the new location.
3. Upon completion of the project and/or expiration of the DUA, the data must be destroyed. CMS will accept an email from the requestor or custodian listed on the DUA but the requestor **MUST** also send the “Certificate of Data Destruction for Data Acquired from the Centers for Medicare & Medicaid Services” (Form CMS-10252 (12/07)) with **original** signature(s). A copy of this form is attached and can also be located at http://www.cms.hhs.gov/PrivProtectedData/16_DUAExtensionsReturningDestroyingCMSData.asp#TopOfPage. The Requestor agrees that no data, copies, or parts thereof, shall be retained when the file(s) are destroyed, unless CMS has authorized in writing such retention of said file(s).

An email can be addressed to Suresh.Abreu@cms.hhs.gov

The “Certificate of Data Destruction for Data Acquired from the Centers for Medicare & Medicaid Services” form with **original** signatures can be sent to:

**Director, Division of Privacy Compliance
Centers for Medicare & Medicaid Services
Division of Privacy Compliance
Enterprise Architecture and Strategy Group
Office of Information Services
7500 Security Boulevard
Mailstop: N2-04-27
Baltimore, Maryland 21244-1850**

4. If the project is still active and the DUA has expired, a one (1) year extension may be granted. The extension will only be approved if the data will continue to be used for the original project purpose and the expiration date has occurred within the past year; otherwise, a new DUA must be negotiated. The letter requesting an extension should be directed to the name and address in item 3 above.
5. Please be aware that CMS’ tracking system for DUAs will not allow execution of any new DUAs if a requesting organization has any expired DUAs. It is important that DUAs do not expire to ensure that your organization can be provided CMS identifiable data for future purposes.
6. Please visit our new website, Privacy Protected Data Request: Policies and Procedures at: <http://www.cms.hhs.gov/PrivProtectedData/>.