

Data sharing agreements allow Public Housing Authorities (PHAs), Continuums of Care (CoCs), and their strategic partners to collaborate more effectively. Taking a data-informed approach and using shared data helps each party serve individuals and families who are experiencing or are at risk of experiencing homelessness.

## Using Data to Pinpoint Needs

The Helena, Montana Housing Authority (HHA) is led by Director Michael M. O'Neil, who knows that when people lose housing, costs grow exponentially. Understanding the dynamics that can lead to and sustain homelessness are critical. For this reason, the HHA established a cross-sector Housing is Healthcare project that collects and uses data from buildings where residents have high needs (e.g., histories of homelessness, unstable housing, and/or chronic health conditions). The project is collecting a range of data, including Medicaid billing, by address. Additional data includes two years of emergency service data from the county dispatch center, Montana Department of Health and Human Services (DPHHS) data, Homeless Management Information System (HMIS), and jail census data. Collectively, this data will help pinpoint the level of health needs by cost and type by service code. The data sharing project promises to become one of the HHA's best tools for preventing homelessness and keeping people housed.

### *Data sharing protections.*

Numerous state and federal laws protect the privacy of personal information, some of which are specific to individuals receiving public assistance and others of which are broadly applicable:

- The United States Housing Act contains provisions applicable to PHAs such as limiting the use of information contained in applications and income verification paperwork.
- The Health Insurance Portability and Accountability Act (HIPAA) requires medical providers to keep patient information confidential.
- The Family Educational Rights and Privacy Act (FERPA) requires schools to protect the privacy of educational records.

### *What are the key elements of a data sharing agreement?*

A data sharing agreement is a complex document that should, at minimum:

- Identify the parties to the agreement and state the purpose of data sharing—
  - Specify the duration of the agreement and the process for updating;
  - Provide for renewal or termination; and
  - Include a confidentiality agreement form that anyone with data access must sign.
- Describe the data (client-level and aggregate) to be shared and allowable uses of the data—
  - Describe how data can be shared with third parties;
  - Identify categories of data covered by the agreement (such as personally identifiable health information [PHI] or re-identifiable data);
  - Outline the process for publishing data or studies based on data;
  - Describe data security requirements (e.g., encryption, network security); and
  - Describe data storage and destruction requirements.
- Specify laws (such HIPAA or FERPA) that must be followed.
- Define terms and abbreviations used, including any governing laws.
- Identify (by position) the person responsible for the data within each organization.
- Assign financial responsibility for costs associated with data sharing.
- List required steps for incident response and reporting if security is breached.
- Protect each party from lawsuits based on another party's actions.
- Specify insurance requirements.
- Have each organization's attorney review and add necessary language.
- Be signed by people who have legal authority to bind the organization in contract.

### Where can I learn more about these key elements?

- National Neighborhood Indicators Partnership: [Key Elements of Data Sharing Agreements](#)

### How do we prepare to enter an agreement?

Before you begin developing a formal document or begin negotiating an agreement:

- List your organization’s priorities and the data needed to achieve these priorities;
- List your organization’s concerns about data sharing, confidentiality, and privacy;
- Identify the parties who have the data your organization needs;
- Anticipate the other party’s priorities and concerns;
- Discuss priorities and concerns with the other parties; and
- Outline the substance of the agreement.

### Does an attorney need to write the agreement?

An attorney should, at minimum, review the document, but you may consider several options:

- Have an attorney write the agreement based on your specifications;
- Write an agreement from scratch; or
- Use a template (such as those listed below).

## Templates and Examples

Templates	Examples
Council of Large Public Housing Authorities <ul style="list-style-type: none"><li>• <a href="#">Data Sharing Template for PHAs and Health Organizations</a></li></ul>	Network for Public Health Law <ul style="list-style-type: none"><li>• <a href="#">Data Sharing Agreements</a> [multiple examples]</li></ul>
Council of Large Public Housing Authorities <ul style="list-style-type: none"><li>• <a href="#">Aligning Education and Housing: Data Sharing Agreement Template for Intermediary Organizations</a></li></ul>	Seattle Housing Authority <ul style="list-style-type: none"><li>• <a href="#">Data Sharing Agreement with Seattle School District No. 1 and Seattle University</a></li></ul>
HUD’s Data Sharing Road Map <ul style="list-style-type: none"><li>• <a href="#">Improving Outcomes through Partnerships between Public Housing Agencies and School Districts</a></li></ul>	Urban Institute <ul style="list-style-type: none"><li>• <a href="#">From Housing Authority to Non-Profit, for LIHTC and Veteran Housing Voucher Data</a></li></ul>

### Other considerations.

Housing and services providers use different language, eligibility criteria, and funding priorities and have distinct roles and responsibilities that can create cultural divides and make it difficult to create and sustain viable partnerships. Following are a few ideas to think about as you work toward PHA data sharing agreements.

- Consider using a “translator” who understands the terminology across sectors.
- Identify high-level champions to help support development of cross-sector partnerships and data sharing.
- Develop buy-in through establishment of shared goals, clearly defined roles, and responsibilities.
- Improve communication and collaboration by developing common understanding of terms and priorities.
- Create and share a roadmap of acronyms, definitions, service populations, and eligibility criteria.