RESEARCH IDENTIFIABLE FILE (RIF) REQUEST APPLICATION: FEDERAL AGENCY DATA SHARING SUPPLEMENT

Requester	
Must match the individual specified in the RIF DUA.	
Requesting Organization	
Must match the organization specified in the RIF DUA.	
Study Title	
Must match the study title specified in section 3 of the RIF DUA.	

GENERAL INSTRUCTIONS

A Federal Agency that is a Requesting Organization may request the Centers for Medicare & Medicaid Services (CMS) approval to redisclose linked data sets (as defined below) for research purposes by filling out this Federal Agency Data Sharing Supplement form. If the Requesting Organization requests CMS approval for this data sharing, the Requesting Organization must attest that it understands and agrees to the terms of the CMS Data Use Agreement (DUA) as modified below.

For purposes of this Federal Agency Data Sharing Supplement, the term "linked data set" means CMS data files specified in Attachment A – RIF Request Application that are linked at the individual Medicare beneficiary or Medicaid recipient level with non-CMS data files of the Requesting Organization. These non-CMS data files are also specified in Attachment A – RIF Request Application.

☐ Request approval for data sharing.

USE AND DISCLOSURE OF DATA

Section 8 of the CMS DUA states: The Requesting Organization shall not use, disclose, market, release, show, sell, rent, lease, loan, or otherwise grant access to the data set files specified in Attachment A – RIF Request Application, except as permitted by sections 3, 5, and 6 of this Agreement or other documents governing this data disclosure or otherwise required by law.

Section 8 of the CMS DUA is replaced in its entirety by the following:

The Requesting Organization is permitted to redisclose linked data sets for research[1] purposes in accordance with the below conditions. Unless all of the conditions specified below are met, the Requesting Organization shall not use, disclose, market, release, show, sell, rent, lease, loan, or otherwise grant access to the data set files specified in Attachment A – RIF Request Application, except as permitted by sections 3, 5, and 6 of the CMS DUA or otherwise required by law.

1. The Requesting Organization is only permitted to redisclose linked data sets for research purposes that would be permitted under the HIPAA Privacy Rule (45 C.F.R. Part 160 and Part 164, Subparts A and E). In addition to the linked data sets, the Requesting Organization may redisclose a separate data set from the CMS data files that provides a 5% sample of Medicare and Medicaid-only data for research purposes that would be permitted under the HIPAA Privacy Rule. The 5% sample of Medicare and Medicaid-only data may only be redisclosed as part of a research request for the linked data set and may only be used for benchmarking and comparison purposes. The 5% sample of Medicare and Medicaid-only data cannot be the only data set provided by the Requesting Organization in response to a research request.
2. The CMS data files that are included in the linked data sets and in the separate data set of a 5% sample of Medicare and Medicaid-only data must be limited to the same data variables and years/quarters/months of data that CMS makes available to researchers in data files provided through its research request process. Information on standard CMS research files can be found at the following link: https://resdac.org/file-availability.

[1] For purposes of this Supplement, research has the same definition as the term "research" in the HIPAA Privacy Rule at 45 C.F.R. § 164.501.

3. The Requesting Organization must establish a process to review and approve research requests that ensures the redisclosure complies with all applicable laws and regulations, including but not limited to the Privacy Act of 1974 as amended, 5 U.S.C. § 552a (Privacy Act), the HIPAA Privacy Rule, substance use disorder confidentiality requirements at 42 C.F.R. Part 2, and CMS data release policies, which can be found at the following link: https://www.cms.gov/files/document/research-identifiable-file-data-use-agreement-policies.pdf
4. The Requesting Organization must enter into a written DUA with a researcher (hereinafter referred to as "researcher DUA") prior to providing access to the linked data sets and 5% sample of Medicare and Medicaid-only data (if applicable). The terms of the researcher DUA must bind the researcher to the terms and conditions in the CMS DUA.
5. The Requesting Organization must establish a process to investigate violations of the researcher DUA that is consistent with the requirements in section 13 of the CMS DUA. If a researcher has violated the terms of the researcher DUA, the Requesting Organization must notify CMS by email to the CMS DUA Mailbox (DataUseAgreement@cms.hhs.gov) within one hour of discovery of the violation.
6. The Requesting Organization must ensure that the CMS data collected, maintained, used, and disseminated by the Requesting Organization is handled in accordance with all applicable laws and regulations, including the Privacy Act and the HIPAA Privacy Rule. The linked data sets may only be used and disclosed for research purposes or as otherwise required by law.
7. The Requesting Organization will only provide access to the linked data sets and 5% sample of Medicare and Medicaid-only data (if applicable) within a secure data environment that meets the security requirements in section 11 of the CMS DUA. The Requesting Organization must ensure that only data that meets the CMS cell suppression policy as described in section 5(b) of the CMS DUA and is de-identified according to the HIPAA Privacy Rule as described at 45 C.F.R. § 164.514(b) will be permitted to be downloaded from the secure data environment.