I. 11.2.13 Limited Data Sets

Chapter 11 - Patient Privacy	Original Effective Date: April 2003
Section: 11.2 Uses and Disclosures of Protected Health Information	Date Last Reviewed: September 2026
Responsible Entity: Chief Compliance and Privacy Officer	Date Last Revised: September 2026

II. Purpose

In compliance with federal privacy regulations, the purpose of this policy is to establish the allowable use of limited data sets containing protected health information.

III. Scope

This policy applies to all Workforce Members—including faculty, staff, students, healthcare providers, contractors, and researchers—who have direct or indirect access to Protected Health Information (PHI). This includes all PHI maintained by UT Health San Antonio (UTHSA) and its controlled affiliates, such as clinics, hospitals, and research facilities.

IV. Policy

UTHSA may use a limited data set of protected health information and enter into a data use agreement with recipients of the limited data set to protect the confidentiality of the individual and to allow UTHSA to use or disclose such information for research, public health, or health care operations without the individual's authorization. Any disclosure or request for a limited data set must adhere to the minimum necessary requirements of the federal privacy regulations.

A. Elements of Limited Data Set:

UTHSA may, without an individual's authorization:

1. Use PHI to create a limited data set; or,
2. Disclose PHI to a business associate for the sole purpose of creating a limited data set, independent of whether UTHSA intends to use the limited data set.

A limited data set could include the following identifiable information:

1. Admission, discharge and service dates;
2. Date of death;

3. Date of birth;
4. Age (including age 90 or over); or,
5. Five-digit zip code or any other geographic subdivision such as state, county, city, precinct, and their equivalent geocode.

B. Creation of Limited Data Set:

To create a limited data set, the protected health information must exclude the following direct identifiers of the individual or of relatives, employers, or household members of the individual:

1. Names;
2. Street address or post office box;
3. Telephone numbers;
4. Fax numbers;
5. Electronic mail addresses;
6. Social Security numbers;
7. Medical record numbers;
8. Health plan beneficiary numbers;
9. Account numbers;
10. Certificate/license numbers;
11. Vehicle identifiers and serial numbers, including license plate numbers;
12. Device identifiers and serial numbers;
13. Web Universal Resource Locators (URLs);
14. Internet Protocol (IP) address numbers;
15. Biometric identifiers, including finger and voice prints;
16. Full face photographic images and any comparable images; and,
17. Any other unique identifying number, characteristic, or code.

C. Data Use Agreement

UTHSA may use or disclose a limited data set only if UTHSA obtains a data use agreement stating that the recipient of the limited data will only use or disclose PHI for limited purposes allowed by federal privacy regulations. The data use agreement must:

1. Establish the permitted uses and disclosures of the information, which permitted uses and disclosures may include only research, public health, health care operations, or as otherwise required by law, and may not authorize the limited data set recipient to use or further disclose the information in a manner that would violate the federal privacy regulations if performed by UTHSA;
2. Establish who is permitted to use or receive the limited data set; and,

3. Provide that the limited data set recipient will:
    a. Not use or further disclose the information other than as permitted by the data use agreement or as otherwise required by law;
    b. Use appropriate safeguards to prevent use of disclosure of the information other than as provided for by the data use agreement;
    c. Report to UTHSA any use or disclosure of the information not provided for by its data agreement of which it becomes aware;
    d. Request the minimum amount of information necessary to fulfill the requirement of the request;
    e. Ensure that any agents, including a subcontractor, to whom it provides the limited data set agree to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and,
    f. Not identify the information or contact the individuals.

If a UTHSA workforce members requests the use of a limited data set for research, public health, or health care operations, and he/she has signed a UTHSA Confidentiality/Security Acknowledgement, a Data Use Agreement is not required.

If another entity requests a limited data set from UTHSA, the entity will be asked to use the UTHSA Data Use Agreement, unless the UTHSA Office of Legal Affairs approves the use of the outside entity's agreement. If UTHSA requests the use of a limited data set from another covered entity, UTHSA will request and use the other entity's agreement, unless the entity is willing to use the UTHSA agreement.

D. Business Associates and Data Use Agreements

If UTHSA hires an entity to prepare a limited data set on UTHSA's behalf, UTHSA will need to execute a business associate agreement with this entity. If the business associate is also going to use the limited data set for some purpose, other than just creating it, UTHSA will also need a data use agreement, in addition to the business associate agreement. These two agreements may be combined into one agreement. If UTHSA is disclosing an already made limited data set, the recipient must have a Data Use Agreement, but not a business associate agreement. All business associate agreements and data use agreements must be routed to the Office of Legal Affairs to ensure that they are appropriate and worded correctly.

E. Compliance

If UTHSA knows of a pattern of activity or practice of a limited data set recipient that constitutes a material breach or violation of the data use agreement, UTHSA must take reasonable steps to:

1. Discontinue disclosure of PHI to the recipient; and,
2. Immediately report the incident to the Institutional Compliance and Privacy Office.

See the Institutional Handbook of Operating Policies policy 11.1.1 Notification of Privacy and Security Breaches for reporting of breaches.

If UTHSA is a recipient of a limited data set, UTHSA must comply with the requirements applicable to limited data set recipients set forth in this policy.

V. Definitions

There are no defined terms used in this Policy.

VI. Related References

There are no related documents associated with this Policy.

VII. Review and Approval History

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approved Date
04/2003	Policy Origination	Executive Committee	04/2003
03/2013	Policy Review	Executive Committee	03/2013
09/2026	Policy Review, Discretionary Edits	ICPO	09/21/2026