APCD Data Privacy and Security Subcommittee Special Meeting
Draft Meeting Minutes

Date: Thursday, January 8, 2015
Time: 9:00 a.m. – 11:00 a.m. EST
Location: Hilton Hartford Hotel, Hartford Commons Room

Members Present
Dr. Robert Scalettar (Chair), Dr. Robert Aseltine (Phone), Demian Fontanella, James Iacobellis, Matthew Katz (phone), Jean Rexford, Shawn Rutchick, Mary Taylor, Joshua Wojcik, Dr. Victor Villagra
Members Absent
Phyllis Hyman
Other Participants
Dr. Tamim Ahmed, Robert Blundo, Christen Orticari, Joan Feldman, William Roberts

---

I. Call to Order and Introductions
Dr. Robert Scalettar called the meeting to order at 9:00 am. Members introduced themselves.

II. Public Comment
There was no public comment made at this time.

III. Approval of November 13, 2014 Meeting Minutes
Dr. Scalettar asked for a motion to approve the April 1 and June 26, 2014 meeting minutes. Mary Taylor motioned to approve the April 1 and June 26, 2014 meeting minutes. Dr. Victor Villagra seconded. Motion passed.

IV. Chairperson Update
Dr. Scalettar gave an update on AHCT's new contract with Onpoint Health Data (OHD) for the provision of APCD data management and analytical services. The partnership was publically announced on November 11 and presented at the APCD Advisory Group Meeting on November 13. He thanked Dr. Tamim Ahmed, Robert Blundo, Matthew Salner, Christen Orticari, and the Attorneys at Shipman and Goodwin, Joan Feldman and William Roberts, for their role in completing the contract. At the June 26 meeting, the subcommittee voted for staff to build a proposed 'strawman' data governance model, including a proposed strategy for the composition and structure of the Data Release Application (DRA), Data Review and Release Committee (DRRC), and Data Use Agreement (DUA) to guide the development policy and procedure amendments. The goal of the meeting presentation was for members to review, discuss and give feedback on the model.

V. Proposed Straw Man Model

Data Request Application (DRA) Process
Dr. Ahmed briefed members on aspects of the Policy and Procedures document that necessitated the development of a data governance framework. Then he presented a schematic of the data review and disclosure processes, gave a high-level overview of the role of the data requestor, data release entity, DRRC members and staff.
Dr. Ahmed summarized information that the Data Release Application (DRA) required of an entity requesting data. Dr. Ahmed added that in the event an applicant was denied for a particular data request, and not on the basis of prior non-compliance consideration, the applicant had to re-submit a new DRA to be reconsidered by the APCD Administrator,

DRAFT

and DRRC. Ms. Feldman suggested that any non-compliance issues be addressed by building in an indemnification component to the Data Release Application (DRA).

Data Review and Release Committee (DRRC) composition, structure, tasks and process

Dr. Ahmed presented the strategy for developing the Data Review and Release Committee (DRRC) composition, structure, tasks and processes. In other states, the DRRC was a standalone committee and membership did not seem to overlap with other workgroups.

Dr. Ahmed explained the tasks that DRRC members were expected to perform and the support that staff contributed to the process from the time an application was submitted to its approval or denial. Then, he presented a preliminary outline of administrative tasks, rules and regulations anticipated throughout the data application review and disclosure process to guide the development of proposed amendments to the Policies and Procedures.

Discussion:

- Dr. Victor Villagra recommended that professionals external to the APCD Advisory Group be considered for DRRC membership. Jean Rexford suggested adding Nurse Representative in the DRRC.
- Demian Fontanella added that a quorum was needed for decisions to be made at DRRC. Details regarding quorum requirements needed further consideration.
- Members suggested an honorarium for members in the DRRC. Staff planned to research this issue based on experiences from other APCDs.

Data Use Agreement (DUA)

Dr. Ahmed reported content requirements for Data Use Agreement (DUA) composition. For instance, DUA terms contractually required an approved requesting entity to provide logs of all data users, report any unauthorized uses or disclosures of data, and must indemnify, defend, and hold AHA harmless from any and all claims, losses, liabilities, damages, judgments, fees, expenses, awards, penalties and costs in the event of non-compliance.

Ms. Feldman suggested including a provision in the DUA stating that, if a report was published, then AHA had the right to add a content link to the report on the APCD website to showcase hypotheses that were supported by APCD data. Without this provision, an approved requesting entity owned their report results and their publishing rights, and was not required to permit AHA the right to put a link to their report. Then, the copyright would be owned by that journal.

Discussion:

- Members asked whether all members on DRRC need to sign off on a DUA.
- Dr. Victor Villagra emphasized that infrastructural security was critical to consider when planning the technical design of the data request and disclosure process and DUA contract. He suggested that an entity approved to receive data be required to provide evidence of infrastructural security to verify that they are technically equipped to securely maintain the information in accordance with required standards.
- Members expressed concern about the data destruction process. Although the proposed DUA content required a certificate of data destruction, members opined that the requirement should include more tangible evidence of data destruction
- Shawn Rutchick pointed out that a different kind of contract was needed for state agencies, since any request from the state of Connecticut, required approval from the Connecticut Attorney General's Office.

VI. Next Steps

Mr. Ahmed asked for members to send staff their comments, suggestions, and questions on the content presented during the meeting. On receipt of members' comments, suggestions and questions, they were sent to Ms. Feldman and Mr. Roberts for their consideration when drafting the data governance and disclosure amendments to the APCD Policies and Procedures.

Dr. Scalettar announced that Mary Taylor needed to withdraw from the subcommittee to reduce the frequency of travel required due to her service to multiple other committees. She planned to continue her service as a member of the APCD Advisory Group. Ms. Taylor identified a replacement, Tracey Scraba, Senior Counsel, Aetna Legal and Regulatory Affairs. As one of the legal advisors to Aetna's Data Governance Board, she was well versed in privacy law

DRAFT

and had practical experience in data use and data release cases from the carrier perspective. Dr. Scalettar welcomed Ms. Scraba as a new member of the subcommittee.

VII. Future Meetings

Staff sent an email to members with proposed dates in March to schedule the next meeting following adjournment.

VIII. Adjournment

Dr. Scalettar asked for a motion to adjourn the meeting. Demian Fontanella motioned. Ms. Taylor seconded. Motion passed unanimously. Meeting adjourned at 11:00 AM.

DRAFT