

MOU Data Sharing Template

Variations

Agreements with Universities or Nonprofits

The data sharing MOU template can be used with California Universities or nonprofits, as well as, with other State Departments. In some cases Departments will have a specific set of security requirements for universities and for nonprofits. The appropriate security requirements should be attached to the agreement if the other party is a university or nonprofit. In addition, Departments usually require universities and nonprofits to provide a Security Plan that details the specific ways they intend to protect the data provided and abide by the Departmental security requirements. Examples of the contents of such a Security Plan are: Project Description, Description of data collected or acquired and their usage; Data Sensitivity; Data Transmittal; Client and Respondent Agreements; Disclosure Risks; Data Safeguarding Procedures; and Audit and Monitoring Plans. An actual example of a past security plan is frequently provided as an example to data requesters.

Naming Conventions

An MOU used for data sharing between State Departments can also be named or referred to as an Interagency Agreement.

Data Sharing Agreements with a Budget

If an agreement has funds involved, the template can still be used but a budget must be added to the agreement and the accompanying exhibits will include fiscal provisions. An agreement cannot be a MOU if a budget is involved. If the agreement is between State Departments or a university is involved, the agreement becomes an Interagency Agreement. If the agreement involves a nonprofit, the agreement becomes a Standard Agreement. Advice should be sought from your contracts or legal departments regarding specific contracting requirements.

Adding Security Provisions to the MOU

Although Departments frequently take core security clauses from their official security attachments and add them to the main body of the agreement, this is discouraged because if the requirements are paraphrased or shortened, there become multiple, possibly conflicting, sets of requirements for the same provision within the MOU packet. Since the requirements are attached to the MOU in all cases, the inclusion of selected provisions within the MOU is redundant and adds unneeded length to the agreement.

System Interconnections between Departments

If State Departments intend to connect information technology systems and databases so that online, real time connections can be made instead of static, point-in-time requests for data, there exist a set of templates created by the California Office of Information Security and Privacy Protection. The title of these guidelines is: "Guidance

and Model Templates for establishing Agreements for Data Exchange Interconnection and Outsourced Services.” These agreements necessitate comprehensive IT involvement.

Suggestions to Make the Process of Creating Data Sharing Agreements Easier

State Department staff and outside university and nonprofit researchers would benefit greatly if a state website were created to provide valuable information to researchers. This website would shorten the data sharing agreement process and lessen the staff time necessary to have an agreement approved. This website could be created on a Departmental website with links to it on all the other CWC Department websites. Some suggestions for the information that could be on this website are:

- A list of the completed Department Details for each of the CWC Departments which could be updated annually.
- The specific criteria that committees or the Privacy Officer within each Department use to determine if a data request is approved.
- A “Tips for Researchers” section that provides suggestions on how to best navigate the data sharing agreement process. Ideally a dozen of these tips should be offered by the Privacy Officer who could best make concrete and specific suggestions for researchers.
- Providing a clear description of the State IRB approval process and the Role of De-identified Data for Researchers.
- A list of the databases that are owned or maintained by each Department, the primary data fields within each database, and the data dictionary used for each database.
- A list of links to all the CWC Department links that have a role in the data sharing agreement process including research units, security officers or data protection committee staff. A description of the role and purpose of each link could be provided next to the website URL link.
- Creative ways to obtain data that have been used in the past when data restrictions seemed to prevent data sharing. Examples include:
 1. Having researchers work in the Department’s premises so no confidential data leaves the room where it is housed.
 2. The outside researcher provides computer code to the Department who owns the data that can be run to obtain aggregate data that can be sent to the requester.
 3. Having the owner of the data match up datasets and stripping the data of unique identifiers before sending the data to the requester.