

WAC 246-492-200 Requests from government agencies for birth and fetal death record data that contains direct identifiers for nonresearch public health purposes.

(1) A government agency requesting birth and fetal death record data that contains direct identifiers for nonresearch public health purposes must comply with the requirements of chapter 70.58A RCW and this section. The department will not release data to a government agency requesting data from the department pursuant to this section until all the requirements of this section have been completed to the satisfaction of the state registrar.

(2) A government agency submitting a data request under this section from the department for nonresearch public health purposes must submit all of the following to the department in the form or format required by the state registrar:

(a) A completed application on the form provided by the department;

(b) A signed data sharing agreement with the department that conforms with WAC 246-492-400;

(c) All information required in subsection (3) of this section; and

(d) All fees required by WAC 246-492-990.

(3) A government agency submitting a data request under this section from the department for nonresearch public health purposes must submit to the state registrar all of the following information:

(a) Name, title, organizational affiliation, and contact information (mailing address, telephone number, and email address) of the requestor, the organization official authorized to execute agreements, the organization information technology security officer, and organization privacy officer;

(b) Purpose or intended use of the data being requested;

(c) Justification of how the purpose or intended use of the data meets the definition of a public health purpose;

(d) Length of time and frequency of the data being requested;

(e) State if any contact with subjects is proposed, provide justification of why and how this achieves the public health purpose, and the methods that will be used for contacting subjects;

(f) Physical and electronic security measures to be taken to assure confidentiality and security of identifying information, including stored information;

(g) Provision for return or destruction of the information at the conclusion of use;

(h) Geographic area of interest;

(i) Names and titles of all persons who will have access to the data;

(j) The plan for use of the data and certification to abide by the department's small numbers guidelines;

(k) Vital records data elements needed to achieve the public health purpose; and

(l) Years of the requested data.

(4) The state registrar may request additional information regarding the request for birth and fetal death record data for public health purposes. If additional information is requested, the government agency must submit the information within thirty days of the state registrar's request or the request for data may be denied.

(5) If the state registrar determines the request for data submitted pursuant to this section is in fact for research purposes, the state registrar will require the government agency to comply with the provisions of WAC 246-492-100.

(6) If the state registrar suspects or is unsure if the request for data submitted pursuant to this section is for research purposes, the state registrar may require the government agency to comply with the provisions of WAC 246-492-100.

(7) The state registrar may deny a request for data for nonresearch public health purposes if the government agency fails to meet the requirements of this section or chapter 70.58A RCW, or for the reasons permitted by chapter 70.58A RCW. If the state registrar denies a request under this section, the government agency may appeal the decision by requesting a brief adjudicative proceeding pursuant to WAC 246-10-501 through 246-10-505, and RCW 70.58A.550.

[Statutory Authority: 2019 c 148. WSR 21-06-041, § 246-492-200, filed 2/24/21, effective 4/1/21.]