Data Use Agreement Between
Centers for Disease Control and Prevention’s National Center for Health
Statistics, U.S. Department of Health and Human Services, and
National Ambulatory Medical Care Survey Participating Physician

The Privacy Rule (45 CFR Part 160 and Part 164, subparts A and E) as mandated by the Health Insurance Portability
and Accountability Act (HIPAA, 45 CFR 164.501) allows physicians to disclose limited data sets (i.e., data sets with
no direct patient identifiers) for research and public health purposes if there is a data use agreement between the
physician and the Centers for Disease Control and Prevention’s (CDC) National Center for Health Statistics
(NCHS). This document serves that purpose and describes how the data will be used and establishes who is to receive or use
the data.

Use of data and assurances of confidentiality
NCHS is charged, under Title 42, United States Code, Section 242k, with supporting statistical and epidemiological
activities to improve the effectiveness, efficiency, and quality of health services in the United States. For purposes
of health-related research and statistical analysis, NCHS conducts the National Ambulatory Medical Care Survey
(NAMCS), which collects information on visits to physician offices. Specifically, these data are used to describe the
patients that utilize physician services, the conditions treated, and the diagnostic and therapeutic services rendered,
including medications prescribed.

According to the Privacy Rule (45 CFR Part 160 and Part 164, subparts A and E), you may release data for NAMCS
to NCHS without patient authorization and without accounting for the disclosures when the data set excludes direct
 identifiers of the individual patients or relatives of patients, employers, or household members of the patient. No
direct identifiers such as patient name, address, or telephone number are collected, however, we do collect the
medical record number which is only used in the data collection process and is not retained after data collection is
complete. We also collect date of visit, patient’s birth date, and residential ZIP code, which are not directly identifiable
but are considered protected health information under the Privacy Rule. Although the data provided to NCHS are
not directly identifiable, a number of Federal laws require that all information we collect be held in strict confidence:
Section 308(d) of the Public Health Service Act [42 U.S.C. 242m(d), the Confidential Information Protection and
NCHS employee, contractor (e.g., U.S. Census Bureau, research partner, and agent has taken an oath to keep the
data private. Any NCHS employee, agent, or contractor, who willfully discloses ANY identifiable information could
get a jail term of up to 5 years, a fine of up to $250,000, or both. After data collection, the only persons to be granted
access privileges to the protected health information will be NCHS staff and its agents, who have taken an oath and
completed annual NCHS confidentiality training.

In addition to the above cited laws, NCHS complies with the Federal Cybersecurity Enhancement Act of 2015
(6 U.S.C. §§ 151 & 151 note. The Act allows software programs to scan information that is sent, stored on, or
processed by government networks in order to protect the networks from hacking, denial of service attacks, and
other security threats. If any information is suspicious, it may be reviewed for specific threats by computer network
experts working for the government (or contractors or agents who have governmental authority to do so).
Only information directly related to government network security is monitored. The Act further specifies that such information may only be used for the purpose of protecting information and information systems from cybersecurity risks.

Sharing of information can occur only after removal of personal information of a specific individual or information that identifies a specific individual. Monitoring under the Cybersecurity Act may be done by a system owner or another entity the system owner allows to monitor its network and operate defensive measures on its behalf.

NCHS will create NAMCS public use data files containing the information you provide. NAMCS public use files do not contain any protected health information. Prior to any NAMCS data being released to the public, NCHS will recode the data such that the date of visit is converted to month and day of the week, and birth date is converted to patient’s age. Patient’s ZIP code is only used on internal NCHS files to match the visit data to characteristics of the patient’s residential area, such as median household income or average winter temperature. All information provided is only used for public health and research purposes. NCHS and its agents physically safeguard the data and are bound by the law cited above. No information collected may be used for any purpose other than that described above. Such information may not be published or released to anyone we have not described above if it would identify an individual to which it pertains or the establishment supplying it.

NCHS will be the custodian of the data files and, as such, will be responsible for observing all conditions of use and for establishing and maintaining the security arrangement to prevent unauthorized use of these files. This includes administrative, technical, and physical safeguards. Also, NCHS will be responsible for observing all conditions of use and for specifying authority for access to these files in accordance with the terms of this data use agreement. For more information on how NCHS protects your data, visit our website at https://www.cdc.gov/nchs/about/policy/confidentiality.htm.

As required by the Privacy Rule (45 CFR Part 160 and Part 164, subparts A and E), NCHS agrees to:

- Not use or further disclose the data collected under this agreement for any purposes not stated previously.
- Use appropriate safeguards to prevent other use or additional disclosures.
- Report to you any nonagreed disclosures should they occur.
- Ensure that any CDC agents using the data agree to the previous conditions.
- Not try to identify patients or sampled physicians based on the data obtained via this agreement.

More information about the NAMCS public-use data files can be found at https://www.cdc.gov/namcs. Historically, NCHS has adhered to the requirements presented in this Data Use Agreement and has a strong record for maintaining privacy and confidentiality during data collection and processing.

Charles J. Rothwell
Director
National Center for Health Statistics
Centers for Disease Control and Prevention