

## DSDR Data Plan and Restricted Contract Development Process and Procedures

This document outlines the process through which DSDR staff develops restricted data contracts for data producers. DSDR tailors a restricted use contract based on data producers' needs and level of restriction the data requires.

Steps to produce a restricted release agreement:

### Documentation and Data Review

We begin the restricted contract development process by reviewing the data and documentation sent to us by the data producer. We review these materials to assess the degree of sensitivity of the data information as well as to assess the disclosure risk and confidentiality issues present.

#### **A. Data and documentation review**

- i. Identify sensitive information (i.e., direct and indirect identifiers)
- ii. Compile a list of sensitive information, variables, or other items present
- iii. Assess the risk present given the possible combinations in data that could disclose respondent, household, school, organization, and neighborhood identity.
- iv. Assess the risk present given combinations in the data as identified in ii. above in connection with possible external data or information.

#### **B. Data producer insight and suggestions**

- i. Ask data producers about elements they would like to see included in the restricted data contract.
- ii. Provide data producers with outline of the common requirements found in a restricted data contract to help data producers frame their thinking about their data and the type of contract they would like to see written

### Contract Requirements – Restriction Levels

Following assessment of the data and documentation and discussion with data producers, we identify the type of requirements that can be included in a restricted data use contract. We use the data and documentation review to inform our decisions on the degree and number of requirements to include in the restricted data contract.

In general, more sensitive the information requires higher levels of restrictions and, thus, more requirements in the contract. We use the DSDR Restricted Contract Web Resource ([www.icpsr.umich.edu/DSDR/rduc](http://www.icpsr.umich.edu/DSDR/rduc)) to generate these contract elements.

Restricted contracts contain a myriad of guidelines and requirements. There are several key requirement areas to be addressed, such as, but not limited to, how the data is to be secured, how findings from the data can be presented, and who is allowed access to the data.

### Proposed (Draft) Contract

Once we have determined the restriction level and corresponding requirements, we write a draft contract that will be sent to the data producer for review.

We use a template that provides the basic structure and order to the draft contract (<http://www.icpsr.umich.edu/DSDR/rduc/>):

1. Contract Title Page
  - a. Instruction paragraph.
  - b. Summary (checklist) of contract items.
  - c. Contact person and address to which final application is to be sent.
2. Applicant information page
3. Definitions
  - a. List of definitions of items used in contract (e.g., Investigator, Research Staff, etc.)
  - b. Includes description of the program or project that produced the restricted data and the agency that funded the research and data collection
4. Requirements of Investigators
  - a. Degree requirements
  - b. Appointment or employment requirements
5. Requirements of Investigator's Institution
  - a. Type of institution or organization requirement (e.g., be a research institution, college or university, etc.)
  - b. Requirements related to proof of IRB, use of ethical research practices, etc.
6. Obligations of DSDR or Restricted Data Disseminator
  - a. Time frame for data disseminator to review restricted data contract and application
  - b. Amount of consultation provided by disseminator to data user
7. Obligations of the Investigator, Research Staff, and Investigator's Institution
  - a. Includes requirements related to use of data, presentation of findings, response to data disseminator inquiries, relocation guidelines, and annual reports.
  - b. Identifies consequences if any portion of contract is violated or breached in anyway.
8. List of Attachments (e.g., data and security plan, security pledges, etc.)
9. Institutional Signature Page
10. Data Security Plan Requirements and/or Guidelines
11. Data File Order Page
  - a. List of data files available
  - b. Description of data files available
12. Supplemental Agreement with Research Staff
13. Security Pledge

### Negotiated Contract

The restricted contract is sent to the data producer for review. We provide a summary of how we approached and drafted the contract and list specific items and/or issues that they will need to address. Producers often negotiate procedures related to citations and other materials and get back to use with questions or clarification.

### Restricted Data Acquisition

The following provides an outline of the DSDR restricted data acquisition and dissemination process. All restricted data received by DSDR and ICPSR are handled differently than publicly available data to maintain data security, mitigate disclosure risk, and adhere to the requirements stipulated by the data producer. As such, upon arrival, restricted data is acquired, processed, and disseminated under more direct supervision, tracking, and security than public data.

#### Restricted Data Processing

- 1) All data library staff members maintain a signed confidentiality agreement.
- 2) All restricted data when sent to the data library is clearly indicated to commence our restricted procedures as soon as the data transfer is complete.
- 3) Restricted data resides on a locked down disk partition accessible only by the data library staff.
- 4) When working with restricted data your office door and computer must be locked whenever you leave.
- 5) A copy of the data is transferred to CDROM and hand delivered to the data enclave manager.
- 6) The data is transferred to Digital Linear Tape and removed from the disk partition.
- 7) All materials are kept in a secure locked and monitored area both onsite and offsite.

#### Restricted Data Dissemination Procedures

- 1) The ICPSR data library manager hand delivers the restricted data on a CDROM to the data enclave manager.
- 2) The data enclave manager takes the CDROM to the data enclave as soon as possible. (In the interim, the CDROM resides in the manager's office that is locked when unoccupied.)
- 3) Contents of the CDROM are copied to the ICPSR secure storage server and the CDROM is destroyed.
- 4) When a data order arrives, the data enclave manager goes to the data enclave and creates a user CDROM from the server files.
- 5) The CDROM and accompanying correspondence are packaged for mailing via US certified mail, return request requested and hand carried to the post office for mailing. The package is kept in a locked cabinet until taken to the post office.

#### Restricted Contract Monitoring, Administration, and Implementation

Restricted data dissemination requires security and administrative procedures to insure data safety and data user adherence to restricted data use agreement requirements. ICPSR has an established restricted data dissemination process upon which to structure a restricted data plan.

The summary below provides an outline of the DSDR/ICPSR restricted data dissemination and restricted data use contract monitoring process.

- 1) Application submission and review procedure.
  - a) Develop and implement a process to accept restricted contract applications, e.g., who receives applications, who reviews them, who asks applicants for additional information.
  - b) Review applications for completeness and accuracy (e.g., requested information is supplied, necessary signatures obtained.)
  - c) Work with applicant to resolve problems, if any, with the initial application submission.
  - d) If contract is granted, have authorized individual sign restricted contract. Data user as well as official institution representative is required to sign contract.<sup>1</sup>
  
- 2) Data Dissemination
  - a) Obtain restricted data.
  - b) Electronic files should be marked with an ID for the recipient in order to insure that original file is returned or destroyed.
  - c) Mail package of CD ROM, copy of signed contract, and cover letter to data user via U.S. certified mail – return receipt requested.
  - d) Develop a process to respond to applicant questions about the restricted contract process, procedures, and policies as well as to questions concerning filling out the form. DSDR and TARS staff will need to determine the level and type of user assistance provided
  
- 3) Contract Administration
  - a) Develop restricted user databases
    - i) Record data user/order in database, noting researcher, affiliated institution, address, email, phone, data provided, date data provided (mailed), data use expiration or due date
    - ii) Keep database current with institutional contacts, records and updated IRB certification.
  - b) Expiration date administration
    - i) When expiration date approaches contact the researcher and ask for either a signed affidavit from them indicating the data have been destroyed or a request on university letterhead for extension.
    - ii) If no response to initial mailing, contact data user by email.
    - iii) Respond to data user questions about extending terms of the agreement/contract
    - iv) Update restricted user database if extension granted or affidavit arrives indicating data user has destroyed the data covered under the agreement
  - c) Disposition of data after end of contract
    - i) Collect and archive/file contract
    - ii) Collect and archive/file verification - signed paperwork, affidavit, etc. – from data user that data has been destroyed or returned
    - iii) Update contract database with contract termination information collected.

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<sup>1</sup> If contract requires any person (graduate student, staff, etc.) who will have access to the data to sign the contract, verify that all those listed in the agreement have signed.

## Reports to Producer

Data producers may request a report on the number and destination of restricted use agreements. This can be negotiated in the initial discussion of dissemination procedures.