

Data Collection & Sharing

Legal Considerations for
Commonwealth Agencies

Data Sharing

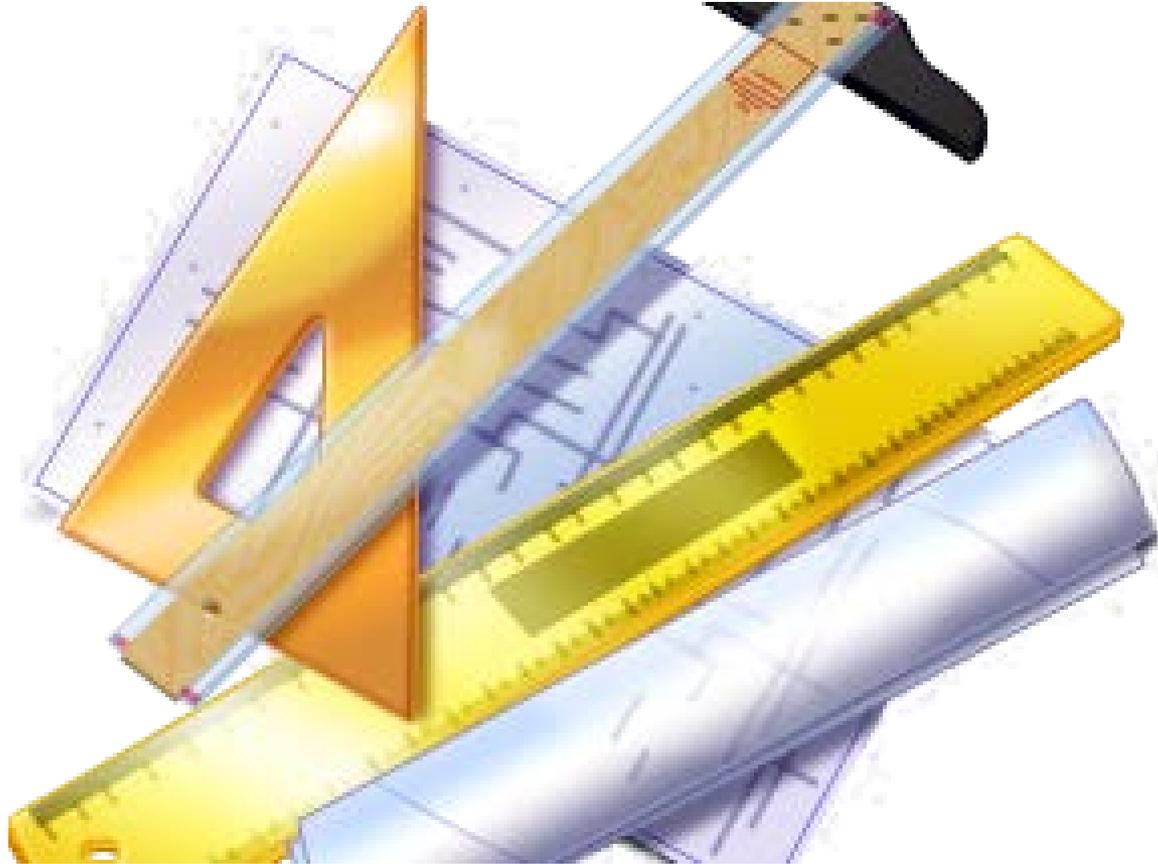


Primary Virginia Statutes

- Government Data Collection & Dissemination Practices Act (GDCDPA)
- Protection of Social Security Numbers Act
- Virginia Freedom of Information Act (FOIA)

Additional Sources of Regulation

- Federal Law
 - Privacy Act
 - Healthcare
 - HIPAA
 - Medicaid Regulations
 - Genetic Information Nondiscrimination Act
 - IRS
 - Social Security Administration
- State Agency Specific Regulations
 - Department of Motor Vehicles
 - Department of Tax
- Other Virginia Laws
 - Virginia Information Technologies Agency (Act)
 - Virginia Public Procurement Act
 - Virginia Biotechnology Research Act



Measure Twice, Cut Once

Ensure that actions relating to data collection and sharing are the product of considered decision-making.

Data Sharing Considerations

Data Sharing Considerations

- Collection of Data
 - What laws will apply to this data?
 - FOIA considerations?
 - Will this data be shared?
 - Collection Methods
 - Customer intake
 - Shared by other agency
 - Obtained from public source (online)

Data Sharing Considerations

- Collection of Data
- Evaluate Current Data
 - What was the source of the data?
 - What laws govern its use, storage, and sharing?
 - Why is this data being collected and stored?

Data Sharing Considerations

- Collection of Data
- Evaluate Current Data
- Sharing Specific Considerations
 - What data will you share?
 - With whom will you share data?
 - In what format will it be shared?
 - What conditions will be imposed upon the recipient?

Ask for Help from OAG Early

Legal issues are often more easily identified and resolved in the planning phase.