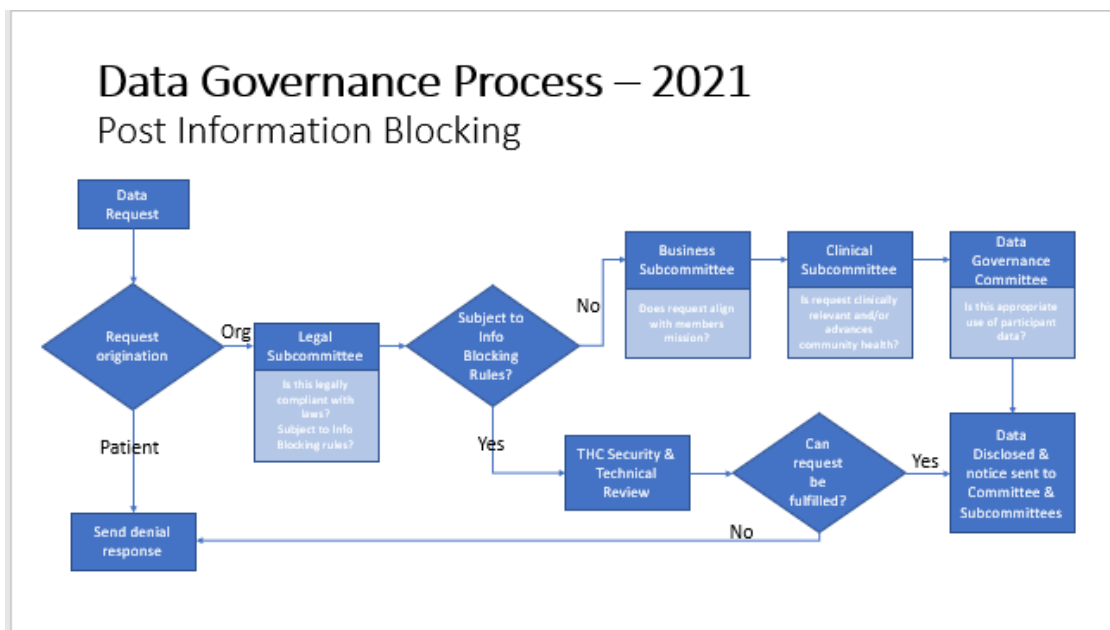# Data Governance Processes

All data use requests must first be reviewed by the Legal Subcommittee, which will include determining whether the requested data is subject to the ONC Information Blocking Rules ("IB Rules"). If the Legal Subcommittee approves the request and determines that the requested data is subject to the IB Rules, it will pass to The Health Collaborative's Security and IT Workgroup for final review and approval.

If the Legal Subcommittee approves the request but determines that the requested data is not subject to the IB Rules, the request must next pass review and approval of the Business Subcommittee, Clinical Subcommittee, and the Data Governance Committee.

Legal Subcommittee Process

Subcommittee Participation

1. A Data Governance Committee member will chair this subcommittee. This chair will be elected by the Data Governance Committee and serve for a 2-year term.
2. While any "Participant Organization" (one that has signed the participant agreement with The Health Collaborative) is invited to attend and participate in discussions, only representatives of those Participant Organizations whose data are being requested for use are allowed to cast votes.
3. External neutral third-party subject matter experts may be invited as guests, as needed.

Legal Compliance Vote

The first review and vote are to determine if the request is compliant with state and federal laws, such as HIPAA, and if the requested data it is subject to the IB Rules. Anticipated voters for these criteria are Privacy Officers or General Counsels of a Participant Organization. Voting requirements include:

1. One vote for each Participant Organization whose data are requested for use

2. Voter must be physically present to vote or send a proxy representative, unless meetings are held virtually;
3. Quorum is defined as a majority of the organizations that would be providing data if the request were approved; and
4. Approval requires 100% of the voting parties present to vote in favor of the request.

Request Approved

If the Subcommittee approves the request and determines that the requested data **is subject to the IB Rules**, the request will be passed to **The Health Collaborative's internal Security and IT workgroup** to assess the pertinent IB Rule exceptions as detailed below.

If the Subcommittee approves the request and determines that the requested data is not subject to the IB Rules, the request shall pass to the **Business Subcommittee** for review and recommendation.

Request Denied

If the Request has not passed the legal vote, the Legal Subcommittee will provide one of the following to the data use requestor:

1. Clear documentation on why the request was not approved and the modifications that would be required for resubmission of the request; or
2. Clear documentation on why the request was not approved and why it cannot be modified and resubmitted.

Request Approved by Legal Subcommittee & Subject to IB Rules

If the Legal Subcommittee approves the request and determines that the requested data is subject to the IB Rules, the request will be passed to The Health Collaborative's internal Security and IT workgroup to assess the pertinent ONC Information Blocking Rule exceptions as detailed below.

THC Security & IT Review Process

THC Security & IT Review Workgroup Participation

The Health Collaborative will maintain a workgroup to review the security and feasibility of fulfilling requests for Electronic Health Information. At a minimum, the group will include the CIO, the Director of Information Security and the Informatics Solution Architect.

THC Security & IT Review Workgroup Process

The Health Collaborative's Security & IT Review Workgroup shall meet within six (6) business days of receiving a request for data. They shall review the request to determine if the request cannot be fulfilled based on any of the relevant IB Rule exceptions (Preventing Harm, Security, Infeasibility, Health IT Performance, and Content & Manner).

Decision Explanation

If the request cannot be fulfilled based on one or more of the IB Rule exceptions, the Security & IT Review workgroup will document the rationale for the decision and communicate that decision to the requestor.
THC will provide notice to the Data Governance Committee at least quarterly.

Request Approved by Legal Subcommittee & Not Subject to IB Rules

If the Legal Subcommittee approves the request and determines that the requested data is not subject to the IB Rules, the request shall then pass to **the Business Subcommittee** for review and recommendation.

Business Subcommittee Process

Subcommittee Participation

1. A Data Governance Committee member will chair this subcommittee. This chair will be elected by the Data Governance Committee and serve for a 2-year term.
2. While any "Participant Organization" (one that has signed the participant agreement with The Health Collaborative) is invited to attend and participate in discussions, only representatives of those Participant Organizations whose data are being requested for use are allowed to cast votes.
3. External neutral third-party subject matter experts may be invited as guests, as needed.

Business Alignment Vote

If the use passes the Legal Compliance Vote, the second review and vote focus on alignment with the business strategies of the organizations whose data are being requested. Anticipated voters for this criterion are Chief Strategy Officers or those in similar positions of a Participant Organization. Voting requirements include:

1. One vote for each Participant Organization whose data are requested for use;
2. Voter must be physically present to vote or send a proxy representative, unless meeting is held virtually;
3. Quorum is defined as a majority of the organizations that would be providing data if the request were approved; and
4. Approval requires 75% of the voting parties present to vote in favor of the request.

Decision Explanation

Following the Subcommittee's vote, if the data use request has passed the Business Alignment vote, the approved requestwill be presented to the **Clinical Subcommittee**. If the request has not passed the Business Alignment vote, the Subcommittee will provide one of the following to the data use requestor and all Participating Organizations:

1. Clear documentation on why the request was not approved and the modifications, if any, that would be required for resubmission of the request (the Subcommittee will also determine if the modified request must also be resubmitted to the Legal/Business Subcommittee); or
2. Clear documentation on why the request was not approved and why it cannot be modified and resubmitted.

Clinical Subcommittee Process

Subcommittee Participation

1. A Data Governance Committee member will chair this subcommittee. This chair will be elected by the Data Governance Committee and serve for a 2-year term.
2. While any "Participant Organization" (one that has signed the participant agreement with The Health Collaborative) is invited to attend and participate in discussions, only representatives of those Participant Organizations whose data are being requested for use are allowed to cast votes.
3. External neutral third-party subject matter experts may be invited as guests, as needed.

Clinical Vote

The review and vote in this subcommittee is to expressly confirm that the requested data use is clinically beneficial and defined appropriately to be meaningful across the community. Anticipated voters for this criterion are CMOs, CMIOs, CIOs or those in similar positions with a Participant Organization. Voting requirements include:

1. One vote for each Participant Organization whose data are requested for use;
2. Voter must be physically present to vote or send a proxy representative, unless meeting is held virtually;
3. Quorum is defined as a majority of the organizations that would be providing data if the request were

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approved; and

4. Approval requires 75% of the voting parties present to vote in favor of the request.

Decision Explanation

Following the Subcommittee's vote, if the data use request has passed the Clinical vote, the approved request will be presented to the Data Governance Committee. If the request has not passed the Clinical vote, the Subcommittee will provide one of the following to the data use requestor and all Participating Organizations:

1. Clear documentation on why the request was not approved and the modifications, if any, that would be required for resubmission of the request (the Subcommittee will also determine if the modified request must also be resubmitted to the Legal and/or Business Subcommittees); or
2. Clear documentation on why the request was not approved and why it cannot be modified and resubmitted.

Data Governance Committee Process

Committee Participation

1. Data Governance Committee members and chair are appointed by The Health Collaborative Board of Directors. A member of the Board of Directors chairs the committee.
2. Data Governance membership consists of a mix of stakeholders, but primarily hospital / health systems representatives and at least 1 public health representative.

Data Governance Vote

The Committee's role is to review the data use request and the three Subcommittee recommendations and vote on the requested use. The vote is to expressly confirm that the data use requested is approved for all Participant Organizations. Voting requirements include:

1. One vote for each Data Governance member;
2. Voter must be physically present to vote or send a proxy representative, unless meeting is held virtually;
3. Quorum is defined as a majority of the committee members; and
4. Approval requires a simple majority to vote in favor of the request.

Decision Explanation

Following the Data Governance Committee vote, The Health Collaborative staff will communicate with the data use requestor and all Participant Organizations the result. The communication will contain:

1. Clear documentation on the detail of the request which passed; or
2. Clear documentation on the detail of the request which did not pass and why the request was not approved.

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