

## Unlocking the Power of Sharing Data: Developing and Using Data Sharing Agreements

As state workforce agencies (SWA) seek to improve programs, ~~program or performance~~ managers and administrators may need to ~~gain access to different various kinds of~~ data and ~~different~~ data sets.<sup>1</sup> ~~In addition, ally,~~ research, evaluations, and other evidence-building activities may require ~~that~~ state agencies and other colleagues ~~to~~ access specific kinds of ~~data~~ that must be obtained from other agencies ~~within a state or from~~ other states. To ~~facilitate obtain~~ data access for these types of activities, SWA's may need to request data from other organizations. ~~They may also — or~~ be asked to share data with other entities, such as other state and federal agencies, universities, or research and evaluation firms through a data sharing agreement (DSA).

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This tip sheet is designed to help SWA staff and other practitioners develop and execute DSAs effectively. It provides detailed information and practical examples to address the following ~~five~~

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1. What is data sharing? What is a ~~data sharing agreementDSA~~?
2. Why are data sharing and ~~data use agreementsDSAs~~ needed?
3. What are the elements of a ~~data sharing agreementDSA we should include?~~
4. What are the steps we should take to set up a ~~data sharing agreementDSA~~?
5. What resources are available to help my team put together a ~~data sharing agreementDSA?~~

By answering these questions, the tip sheet ~~aims to guides~~ you through the development, planning, implementation, and management of DSAs, ensuring they are comprehensive and aligned to your organization's goals and goals of your project.

**Commented [CT3]:** Or "...helps you develop, plan, implement, and manage DSAs"

### What is data sharing? What is a ~~data sharing agreementDSA (DSA)~~?

#### What is data sharing?

Data sharing is a formal process of accessing, collecting, and managing data. It is the transfer of any type of data from one organization or entity to another. ~~Data sharing can occur within an organization between different departments or externally with partners. Data sharing allows~~

<sup>1</sup> Legislation requires states to conduct evaluations and identify evaluation activities in their Workforce and Innovation and Opportunity Act (WIOA) State Plans and annual performance reports, as per 20 CFR 682.220. The TEN provides additional guidance for states' requirements to promote continuous improvement ~~and~~ research, test innovative services and strategies, and ~~ultimately seek achieve to achieve~~ high levels of performance and ~~desired~~ outcomes. For more information visit: <https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEN/2023/TEN%2029-23/TEN%2029-23-A.pdf>

enables multiple users to access the same information while ensuring that the data is exchanged in a responsible manner.

### What is a data-sharing agreementDSA (DSA)?

A data-sharing agreement (DSA) is a legal contract between the owner of the data and another entity that seeks to receive the data, detailing the terms and conditions for data exchanging datae. It defines the purpose of the data exchange, establishes roles and responsibilities of each party, specifies the data that the parties will be shared, and provides specifications for how the data will be shared and used. Components of a DSA includes guidelines for privacy protection, including sensitive or personally identifiable information (PII); processes for securing data; and provides legal and regulatory requirements for sharing data. In short, a DSA serves as a written guide to ensure that all parties understand their roles and responsibilities in an effort to mitigate any risks associated with the exchange of data.

### Why are data sharing agreementsDSAs needed?

SWA program or performance managers may need data sharing agreementDSAs to access data from various sources to better understand study their workforce needs and measure program the effectiveness of their programs by accessing data from various sources. For example, a DSA may enable a SWA to exchange data on program participants with local workforce boards and community agencies on program participants. This data may include information on such as services received, employment status, and wage outcomes, and that could be integrated this with data with held by other partners to learn about a program's effectiveness and identify areas for improvement. These types of partnerships require consistent and careful collaboration to outline ensure safe and secure transfer of data: (Appendix. See Table 1, in the appendix, for SWA example from the Workforce Data Quality Initiative [WDQI] examples).

Establishing data sharing agreements seek to address several key objectives, including but not limited to the following:

#### ➤ **Fostering collaboration and communication.**

Data-sharing agreementDSAs allow help SWA's to identify find and use relevant data to improve programs and inform policymaking. A DSA ensures that entities all parties coordinate agree on how data is handling handled, key principles by which data will be shared, and specifies a process to safely share the data. Determining who needs to be involved in creating a DSA is the A first step for in collaborating on and communicating communicating data sharing guidelines is to determine who needs to be involved in the creation of a DSA.

#### **Clarifying roles and responsibilities of involved entities.**

A data-sharing agreementDSA ensures that all entities understand their roles and what is expected of each of each party's ability to use and manage the data. In some DSA's it outlines who within the company can access the data, either by job title or by name. Having a clear

**Commented [CT4]:** In note below, spell out "TEN" (it's undefined here and unused otherwise. "Training and Employment Notice"?)

**Commented [CT5]:** Could be combined to avoid a third use of "data sharing". "Data sharing can occur within an organization between departments or externally with partners, enabling multiple users to access the same information while ensuring that the data is exchanged in a responsible manner."

**Commented [CT6]:** Considered "When might DSAs be needed" or "When are DSAs required?"

understanding of who ~~within the organization will be able to~~ can access and manage the data is crucial to ensuring accountability, transparency, and safety.

➤ **Establishing legal guidelines for data use.**

A ~~data sharing agreement~~ DSA can ~~require establish~~ legal requirements for ~~dealing with the use of~~ sensitive data such as ~~personally identifiable information (PII)~~. ~~Agreements often establish and provide~~ guidelines to ensure compliance with relevant privacy laws and regulations. A DSA ~~will~~ ~~outline the bounding~~ regulations that dictate how data will be shared, ~~and the~~ purpose for sharing data, ~~and even provide more specific guidelines about certain data elements.~~ (See Figure 1, for ~~additional more~~ resources and information.)

**Commented [CT7]:** Figure at right: Is this title ok? Considered changing to "Legal and Regulatory Guidance"

➤ **Promoting the safe and secure transfer of data.**

DSAs ~~allow enable~~ multiple entities ~~the ability to~~ ~~safely and securely obtain data~~ obtain data safely and securely. For example, workforce agencies may work with criminal justice agencies to link earning and employment data with formerly incarcerated individuals. A DSA establishes clear protocols for data access, usage, and storage to ensure that sensitive and confidential data is handled responsibly. Considerations ~~Measures used to for~~ securely data transfer ~~ring~~ data include encryption and access controls. Encryption protects sensitive data from ~~being accessible to by~~ outside parties, and multi-factor authentication is ~~one a~~ common form of access control.

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**What are the elements of a ~~data sharing agreement~~ DSA?**

DSAs ~~Data sharing agreements~~ typically include elements to ensure that PII data is shared safely and ~~in a responsibly by~~ way for all parties involved. Below are a few ~~Some~~ key elements of ~~DSAs~~ data sharing agreements follow. Table 1 in ~~the~~ The appendix provides sample language for each these elements, derived from ~~Workforce Data Quality Initiative (WDQI)~~ ~~DSAs~~ data sharing agreements.

- **Purpose and Scope:** This section defines the "why" or reason(s) ~~for a DSA~~ and details ~~the its boundaries parameters for a data sharing agreement~~. This element includes the intention and goals of the agreement, key parties involved, type of data shared, and how it will be exchanged.

**Figure 1. Laws and Regulations Guidance**

Many of the laws and regulations addressing confidentiality and privacy provide guidance for how and why data can be shared. For example, such guidance may allow data to be shared and disclosed for evaluations or statistics and provide protections for ~~personally identifiable data~~ PII.

To help you navigate these issues, consider visiting the [State Data Sharing Initiative's](#) database to learn more about ~~how~~ states' requirements influence ~~your~~ data sharing requests ~~pertaining on~~ unemployment insurance law and corporate taxes.

See [the State Data Sharing Initiative's Legal Guide to Administrative Data Sharing for Economic and Workforce](#).

**Commented [CT9]:** Or "intruders," "potential intruders"

**Commented [CT10]:** Or "What's in a DSA?"

**Commented [CT11]:** A word seems to be missing In box at right. Review "... states' requirements influence your data sharing requests on unemployment insurance law and corporate taxes."

- **Legal authority:** This section ~~designates describes~~ the federal and state laws, regulations, and other requirements ~~that apply applicable~~ to a data sharing ~~among~~ between participating parties ~~such as~~. Consider both the laws and those regulations concerning confidentiality and privacy (Figure 1). See call out box
- **Definitions:** This section explains any key legal, data, or programmatic terms used in the agreement.
- **Authorized representatives:** This section details the names or titles ~~and contact information~~ of key individuals ~~representing participating in the data sharing for~~ each party involved ~~in the DSA~~. Most data sharing agreements ~~and typically~~ includes the names and contact information of each party involved in handling the data.
- **Roles and responsibilities:** This section describes ~~the~~ obligations of ~~the~~ parties to perform activities covered by the agreement, including transferring, sharing, storing, and managing data. This section ~~gives details a time frames and frequency intervals~~ for when the ~~parties data~~ will be shared ~~data~~.
- **Permissible uses and disclosure of data:** This section ~~will describe provides~~ additional details about ~~the ways in which how~~ each party will use the data, ~~and~~ how the data can be transferred, ~~and It also provide offers~~ guidance for how to manage ~~that the~~ data once received.
- **Security measures and storage:** This section provides a detailed overview ~~and parameters for of~~ how to securely ~~transmitsend~~ and store data between parties. This section can include a timeline ~~or and~~ process for destroying data, or ~~this information may appear in its own destruction of data can be a section~~ (Figure 1) of its own. See call out box.
- **Breach response:** ~~DSAs Data sharing agreements~~ should ~~also~~ include procedures ~~for instances in which if~~ sensitive data is disclosed in a way that is not consistent with ~~the~~ agreements.
- **Modifications and termination of agreement:** ~~Data sharing agreements DSAs~~ often ~~include language and detail the process for of~~ terminating ~~the agreements~~, ~~and along with provide~~ information on how to dispose of data once the contract has ended.

Commented [CT12]: "usually" or "typically" is probably more accurate

**Chapter #** Title of Chapter

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## What are the steps we should take to set up a ~~data sharing agreement~~<sup>DSA</sup>?<sup>2</sup>

### Step 1—Prepare for and conduct outreach to determine who needs to be involved

Determine which groups or agencies are needed for the ~~data sharing agreement~~<sup>DSA</sup>, including the owner of the data, the recipient of the data, and other third parties. It is also important to establish roles and responsibilities for each party and consider the type of data ~~is~~ being shared, ~~and~~ the restrictions ~~surrounding on~~ that data, and the timeline for data sharing.

~~It might be helpful to~~ Consider scheduling an introductory meeting to better understand ~~their the extent to which the other parties might~~ needs for requesting data ~~and~~ or to better outline and communicate your own data needs. Prepare a high-level description of your project, evaluation, or data request to share with your party, if they are unfamiliar with your request.

Create outreach materials and begin ~~communicating~~ communicating with individuals working at organizations that will play a role in your ~~data sharing agreement~~<sup>DSA</sup>. Draft ~~any~~ outreach emails ~~or~~ communicating to the individuals and parties involved in the data request. Include all relevant members in your outreach, including staff who understand the data request. These include any technical staff and legal teams.

Consider creating and maintaining an internal database to track key information ~~such as~~—data provider names, ~~and~~ contact information of key parties~~y~~ and stakeholders, ~~details of the~~ negotiation process, ~~and~~ decisions made about how to store and transfer data. A tracker might also be useful for ~~internally tracking~~ recording any concerns raised by data providers and responses ~~for on~~ solutions that might require additional modifications to your ~~data sharing agreement~~<sup>DSA</sup>. Keeping track of ~~any concerns or~~ issues ~~and~~ concerns can make future data sharing processes more efficient.

Figure 3. DSA elements to consider for planning and tracking

#### DSA templates to get started

- Draft outreach emails
- DSA templates
- ~~1~~One-page description of project, ~~or~~ evaluation, or data request

#### DSA elements to consider for tracking

- ✓ ~~Key~~ Contact information of key stakeholders
- ✓ ~~Negotiation~~ processes
- ✓ ~~Decisions~~ made about data transfer
- ✓ ~~Questions~~ and concerns raised by data providers or recipients ~~along with~~ and responses ~~or~~ and resolutions to those questions and concerns
- ✓ ~~Recommendations~~ for

**Commented [CT13]:** Or should this be "...which groups or agencies need to sign the DSA..." (?)

<sup>2</sup> For more insights on using data for evaluations and researchers visit [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/America'sPromise/Obtaining\\_Administrative\\_Data\\_for\\_DL\\_Research\\_and\\_Evaluations\\_Insights\\_from\\_Employment\\_and\\_Training.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/America'sPromise/Obtaining_Administrative_Data_for_DL_Research_and_Evaluations_Insights_from_Employment_and_Training.pdf)

**Commented [CT14]:** Not required—but where possible, at least one agency (CDC) is now recommending substituting this word for specific entities when possible, or "constituents/beneficiaries/partners/funders/policy makers" etc. if examples of specific types of stakeholders are known, please add. (2 other occurrences on this page, 1 on next page)

[https://www.cdc.gov/healthcommunication/Preferred\\_Terms.html](https://www.cdc.gov/healthcommunication/Preferred_Terms.html)

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## Step 2- Hold an initial meeting with key stakeholders and begin drafting ~~the data-sharing agreementDSA~~

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Use your first meeting with key stakeholders to explain the purpose of the request and how the data will be used by your agency or data recipients. ~~To develop your DSA, Use this meeting to try to~~ build rapport and answer any questions regarding ~~the~~ data usage and process~~es to develop your data sharing agreement~~.

Figure 4. DSA templates

The WorkforceGPS Workforce Data Quality Initiative Community [website](#) provides a wealth of information and resources for workforce professionals, [including](#) [Visit their website-examples of data sharing agreements](#):

Begin drafting ~~the data-sharing agreement~~ by ~~leveraging using~~ a ~~data-use agreementDSA~~ template. The template ~~could might~~ include placeholders for the name of the data provider, specific data elements, and contact information. Some agencies may have ~~a DSA~~ [data sharing agreements that can be changed](#) based on the type of data requested, [for scenarios](#) such as [partnering partnerships](#) with a third-party evaluator or [partnering with](#) another state agency. Some agencies might prefer to use their own ~~data sharing agreementDSAs~~, which would be ~~closely~~ reviewed by

their own ~~evaluator's~~ legal team.

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## Step 3- Determine data request process

Determine if ~~the agency you are requesting data from there is has~~ a data request process or ~~specific request~~ criteria ~~from the agency you are requesting data from~~. For example, criminal justice agencies may require a data application, and ~~it is common to have fees are often charged associated with a for~~ data requests. ~~It will You should~~ also be important to review and confirm data request timelines with key stakeholders. For example, a ~~data sharing agreementDSA~~ may ~~include allow~~ a time frame of 30 days for the data provider to complete each request.

Consider [ways how](#) to minimize your data request to streamline the process. For example, [consider you might requesting](#) a subset of data you will use for your evaluation or assessment, rather than [requesting gaining](#) access to the entire data set.

Most ~~data sharing agreementsDSAs~~ involve the use of ~~personally identifiable information~~ (PII). Consider providing instructions for how to access data securely. ~~S and s~~ send reminders to staff handling PII data [directing them](#) to never transmit data via email without a secure data transfer system.

## Step 4- Negotiate tailored ~~data-sharing agreementDSA~~

~~As Continue~~ formal negotiations [continue, to finalize your data sharing agreement](#). ~~S~~ send follow-up emails and keep ~~the lines~~ of communication open [to finalize your DSA](#) as you [continue negotiating agreements](#).

In most cases, you will review the [DSA data sharing agreement](#) with your legal team, or your legal team will develop the [data-sharing agreement](#) and then share [the agreement](#) with other stakeholders [who are either](#) providing or receiving the data. This final stage of the process may require modifications [and finalizing to the](#) details of the request, such as [the](#) timeline for sharing data, responsibilities of each party, and [detail](#) how the data will be shared and used ([for example, including the](#) format in which the data will be received, [how the data will be used, restrictions for use, etc and so on](#)). [In this step of the process, you will want to](#) Continue to maintain records and track any internal decisions made from the team. (See Step 1 [regarding on](#) creating a tracker to manage internal decisions and communication.)

#### Step 5. Sign the agreement and request data

Congratulations! Once you have ensured that all the proper entities have signed off on the [terms and conditions of the](#) agreement, [and agreed to its terms and conditions](#) you have officially established and executed your [data sharing agreement DSA](#)! At this point, you are now ready to make your data request or provide data to a third party, following the strict guidelines and timeline you have created with your team.

#### What resources are available to help my team put together a [data sharing agreement DSA](#)?

Below [The following are a few additional](#) resources [that](#) can help you and your team create a DSA.

- The [Data Quality Campaign \(DQC\)](#) is a national nonprofit advocacy organization dedicated to ensuring that education and workforce data works for individuals, families, educators, communities, and policymakers. See [guidance](#) and [resources](#) for how states can reimagine their data systems and support data access.
- The [State Data Sharing Initiative \(SDS\)](#) helps states overcome barriers to data sharing and provides guidance for sharing administrative records. [SDS is implemented by](#) The Center for Regional Economic Competitiveness (CREC), a non-profit organization that provides [information to](#) policymakers and technical assistance [to](#) innovative regional economic and workforce development strategies, [implements SDS](#).
  - [Their SDS's Data Sharing Toolkit](#) is an online data sharing tool that provides insights into existing data sharing practices by states.
  - [Visit their SDS's legal guidebook](#) to [assist with user's help](#) understanding of the legal landscape associated with developing [data sharing agreements DSA](#)s, and [their its confidentiality laws & and regulations database](#) to [highlight](#) on states' legal approaches to protecting and permitting access to administrative data.
  - [Examine their SDS's State agency directory](#) provides contact information for state agencies that [want to access provide](#) administrative data.

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- State leaders ~~might want to can~~ learn ~~more~~ from ~~ether state~~ leaders ~~in other states~~ by exploring the [National Association of State Workforce Agencies \(NASWA\)](#). The Multistate Data Collaborative ([MSDC](#)) is a national initiative to bring state agencies together, ~~along~~ with policy and data experts to ~~focus on using~~ agency administrative data to address programmatic and policy-related questions. NASWA supports the MSDC initiative and partners ~~closely~~ with [the Coleridge Initiative](#), a nonprofit organization that works with governments to ensure data is ~~used~~ effectively ~~used~~. MSDC ~~hopes to support~~s agencies in ~~their~~ developing ~~menting of~~ their use of data, ~~resources~~[resources](#), and data access.
- Learn from [Workforce Data Quality Initiative \(WDQI\)](#). WDQI is funded by ~~Launched in 2010~~, the U.S. Department of Labor ([DOL](#)) funded to ~~support help the enhancement~~ and development ~~of~~ administrative databases and ~~works to~~ integrate workforce ~~data~~ and education data. Since its ~~inception~~ ~~start in 2010~~, WDQI has ~~they have~~ awarded grants to ~~over more than~~ 40 states to improve their workforce data systems. Check out [the WDQI community](#) on the [WorkforceGPFGS](#) website.

**Commented [CT19]:** Unclear. For example, "developing their policies for using and accessing data" is more specific than "developing their use of data...data access"

**Commented [CT20]:** Is the work here just workforce and education data integration or is workforce and education data being integrated into something else?

Figure 5. Beyond DSA's

While all [DSAs](#) ~~data sharing agreements are unique to change depending on the individual entities~~ you partner with, there are steps you can take to standardize the process. [For example](#),

[Here is an example of how in](#) Washington State, ~~its has worked to standardize their education and workforce data sharing processes. The~~ [Education Research and Data Center](#) (ERDC) ~~maintains~~ [Washington](#) the state's preschool- through-post-secondary education and workforce data systems, [establishing](#) and allows for a more streamlined approach to linking data ~~from early learning through post-~~

## Appendix. Data Sharing Agreement Sample Language DSA

**Table 21. Sample language of data sharing agreements**

DSA element	Sample language
Purpose and scope	<p><i>Purpose: The purposes of this Agreement are to (a) document the terms under which data will be shared with KYSTATS to conduct the study; (b) ensure that the data sharing process is consistent with applicable state and federal laws and subject to the Federal Family Educational Rights and Privacy Act ("FERPA"); and (c) provide assurances that each party will comply with FERPA and applicable federal and state laws governing the confidentiality of data. The Parties to this Agreement understand that the sole purpose of this Agreement is for _____ to transmit and share data with KYSTATS that will be matched with data that is housed in the KLDS.</i></p> <p><i>WDQI Data Matching Agreement Template</i></p>
Legal authority	<p><i>... (a) Recognize the confidentiality of individual data is of paramount importance and must be observed except where disclosure is allowed by law, including but not limited to FERPA, state and federal regulations based on FERPA, and all other federal and state laws that govern the confidentiality of individual data. The Parties agree to take all necessary steps to protect such.</i></p> <p><i>WDQI Memorandum of Understanding</i></p>
Definitions	<p><i>a. An "authorized representative" for purposes of FERPA is "any entity or individual designated by a State or local educational authority...to conduct...any audit or evaluation, or any compliance or enforcement activity in</i></p>

	<p><i>connection with Federal legal requirements that relate to [State or Federally funded educational] programs.”:</i></p> <p>b. Confidential unemployment information or “CUCI” is “any [unemployment compensation] information which reveals the name or any identifying particular about any individual or any post or present employer or employing unit, or which could foreseeably be combined with other publicly available information to reveal such particulars[.]”</p> <p>c. <i>“DWD Data” includes data outlined in the appendices that includes but is not limited to CUCI, Educational Records, and/or Program PII”</i></p> <p>WDQI Sample Memorandum of Understanding DWD MOU DOE 2123</p>
Authorized representatives	<p><i>Designated representative: The parties mutually agree that the designated representatives for the sharing of data described herein are: XXXX and Dr. XXXXXX. KYSTATS shall ensure that any agents, including, but not limited to, a contractor or subcontractor, to whom KYSTATS provides the data specified in this Agreement, agree to the same terms, conditions and restrictions that apply to the party with respect to the data.</i></p> <p>WDQI Sample Data Matching Agreement</p>
Roles and responsibilities	<p><i>The Parties shall have on file with their respective Departments/Offices, a signed Privacy and Security of Protected Health, Confidential and Sensitive Information form for each person handling the specified data described in section 1(b) of this Agreement. To affect the transfer of data and information that is subject to State and Federal confidentiality laws and to ensure that the required confidentiality of personally identifiable information shall always be maintained, both _____ and KYSTATS.</i></p> <p>WDQI Sample Data Matching Agreement</p>
Security measures and storage	
Breach response	<p><i>A “security incident” occurs when a party has reason to believe that there either was or may have been unauthorized access to any of the data referenced in this MOU, damage caused to any of the data referenced in this MOU, or theft of any of the data referenced in this MOU. Either party shall notify the other of a security incident within two hours of discovery in the manner described now.</i></p> <p>a. The receiving party shall undertake appropriate mitigating actions as prescribed by applicable federal and state laws and regulations, including providing</p>

**Commented [CT21]:** Just flagging-this acronym isn't defined in the sample

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	<p>notice, where required, to the victims, state authorities, and federal authorities.</p> <p>b. The receiving party shall provide prompt notice of the security incident to the sending party in the manner described below:</p> <p>i. When DWD is the receiving party: DWD shall report a security incident to the DOE CIO by both calling XXXX and leaving a voice message within two hours or becoming aware of the security...."</p> <p>WDQI Sample Memorandum of Understanding DWD MOU DOE 21 23</p>
Terms of agreement/modifications and termination of agreement	<p><i>Terms of Agreement: This Agreement shall be effective upon execution by both parties and shall remain in effect until modified or cancelled by either Party. Notice of termination shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. The terms of this Agreement may not be waived, altered, modified, or amended except in writing signed by both Parties.</i></p> <p><i>WDQI Sample Data Matching Agreement</i></p>