



NativeDATA

A Data Sharing Resource for
Native Peoples and Organizations

Tribal Public Health Authority 101 (For Beginners)

Although much has improved over the past several decades, sometimes Tribes and Native-serving organizations have difficulties accessing important health data. This is very frustrating, because not having good health data impacts the ability of Tribal and urban Indian communities to protect their people.

Did you know that Tribes and Tribal Epidemiology Centers (TECs) have a special status that can help them access data?

Public health authority

Public health authority, or PHA, provides the legal standing for Tribes and TECs to request protected health information from [HIPAA covered entities](#). Normally, a HIPAA covered entity cannot share this type of data without getting individuals' written permission. However, HIPAA covered entities can share protected health information with a Tribe or TEC when the Tribe or TEC is planning on using the data for public health reasons. Public health reasons are basically things like preventing or controlling disease, injury, or disability.

Outside of Tribes and TECs, other public health authorities include:

- County Health Departments
- State Health Departments
- The Centers for Disease Control and Prevention (CDC)
- The Food and Drug Administration (FDA)

Why should I know about public health authority?

Both Tribes and TECs are public health authorities with regards to HIPAA-protected data. As described above, this provides them the right to access certain health information that would otherwise have to be accessed by a Business Associates Agreement.

What is a business associates agreement?

A business associates agreement (BAA) is an agreement between a “non-covered” (non-public health authority) and a public health authority. A BAA helps ensure that the data shared is protected, used, and disposed of properly.

I am a Tribe or Tribal Epidemiology Center — should I sign a business associates agreement to get data?

No. Any entity that is a designated public health authority should never sign a BAA to obtain data. As a covered entity/public health authority, Tribes and TECs do not need to enter into any BAA. Signing a BAA diminishes your status as a public health authority.

Where can I get more information on this?

If you want additional information about this topic, consider reading more about public health authority [here](#). This document will provide you with basic information that you can use to tell others about your public health authority status. It is written in language that has been reviewed and approved by legal experts. It includes citations.

I am not a TEC, but I am from a Tribal, urban Indian, or Native-serving organization – are we considered public health authorities too?

Federal law is less clear about your public health authority status. Some may be considered public health authorities under HIPAA if your organization is acting under a grant of authority from (or contract with) a Tribal public health authority (like a Tribe or Tribal health department). Seek legal advice about your public health authority status.

I think I need more support. Who can help me?

Tribes, TECs, and Native-serving organizations may need [legal support](#) to know their legal authority and to interpret their rights to data under local, state, and federal laws. You can also reach out to these [data supports](#).

Summary

1. Data for Tribes, TECs, and Native-serving organizations is essential for both protecting communities from diseases, but also for priority setting for public health efforts.
2. The designation of Tribes and TECs as public health authorities, as recognized through federal law, provides **all legal standing necessary** to access public health data under HIPAA.
3. As a Tribe or TEC, you should never sign a BAA to get data from a HIPAA covered entity.
4. Federal law supports these data sharing actions, and we need to hold all involved accountable to the law.

Additional information

Read more about public health authority [here](#). This document will provide you with additional information about public health authority status. It is written in language that has been reviewed and approved by legal experts. It includes citations.



Got questions? Contact us at ideanw@npaihb.org or visit NativeDATA.npaihb.org.

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