



*When we make plans to obtain or share data, it is important to consider how the data will be used, kept safe, and destroyed. We do this to protect the people and communities whose information is contained in the data.*

*This handout describes four common types of documents used in data sharing.*

## Data Sharing Agreements

[Data sharing agreements](#), or DSAs, are formal contracts. Data sharing agreements are sometimes called data use agreements, or DUAs.

### Generally, DSAs outline:

- When data will be provided and how long the recipient will use it for
- How data will be provided to the recipient
- How the recipient intends to use the data
- Any restrictions on how data can be used or shared
- Who owns reports that contain data findings
- The review process for publishing or sharing reports
- Processes for protecting Tribal and individual confidentiality
- Ways the receiver will make sure data are secure
- Actions that must be taken if data are stolen or lost
- Who is responsible for overseeing the process if data are stolen or lost
- Financial costs of data sharing and who will pay
- What will happen to data after the period of agreement is over

### Keep in mind

- Some entities, like local, state, and federal agencies, may use DSA language that does not uphold Tribal sovereignty, [Tribal data sovereignty](#), or Tribes' or Native-serving organizations' [public health authority](#) status. Signing an agreement like this is not in your best interest. Consider talking with your [Tribal Epidemiology Center](#) and [legal supports](#).
- Ownership of Tribal data should always remain with the Tribe. Tribes have the right to decide how Tribal data is collected, stored, used, and destroyed. This is called [Tribal data sovereignty](#).
- Tribes should maintain the right to withdraw from or terminate any DSA at any time. Make sure that this language is included in the DSAs you sign.

## Memoranda of Understanding

Memoranda of understanding, also known as MOUs, are documents that outline an agreement between two parties. MOUs are more formal than a verbal agreement or handshake agreement but less formal than DSAs. They can help establish relationships and make expectations clearer for all parties involved.

## Generally, MOUs include:

- A list of the parties involved
- The purpose of the document
- Terms and conditions
- Appropriate signatures
- Duration of the agreement
- Any special requirements

## Keep in mind

MOUs are not legally binding, and they do not create duties or legally enforceable obligations for those involved.

## Memoranda of Agreement

Memoranda of agreement, or MOAs, are contracts to help partners work together toward a common goal or project. MOAs generally contain the same parts as MOUs; however, unlike MOUs, they are more structured and are legally binding.

At times, DSAs are a part of a larger MOA. Creating an MOA, in addition to a DSA, is especially helpful when data being shared are sensitive in nature or if they contain protected health information.

## Collaborative Agreements

Collaborative agreements help partners create an understanding about the nature of their working relationship. They do this by outlining the aspects of the collaboration and who will be responsible for what activities. These types of agreements may be required when applying for grant funding and can touch on topics like data ownership and sharing findings.

## Final Notes

- Anytime data is shared, whether it is shared within a Tribe or organization or with an outside entity, there needs to be a data agreement in place. Data agreements help protect the people and communities whose data are being shared. They also help protect those sharing and receiving the data.
- It is the responsibility of Tribes and Native-serving organizations to establish strong data agreements that uphold Tribal sovereignty and [Tribal data sovereignty](#).
- Tribes and Native-serving organizations have the power to withdraw from agreements and partnerships that do not honor Tribal sovereignty, Tribal data sovereignty, and commitments that have been made.

## Got Questions?

Reach out to these [data supports](#).



Got questions? Contact us at [ideanw@npaihb.org](mailto:ideanw@npaihb.org) or visit [NativeDATA.npaihb.org](http://NativeDATA.npaihb.org).

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