

APPENDIX A

Survey of Common Federal Legal Authority for Data Sharing & Integration

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Survey of Common Federal Legal Authority for Data Sharing & Integration

Cross-sector data sharing and integration has become more routine and commonplace, as cross-sector data provide valuable insights to inform resource allocation and evaluate policies. Data sharing and integration is also not without risks, and clear legal frameworks are essential to mitigate those risks, protect privacy, and guide responsible data use. Cross-sector data sharing involves an intricate web of state and federal laws, many of which establish different confidentiality protections for information received, created and maintained by the agencies involved. This table summarizes common federal laws governing relevant permissible uses and disclosures of data assets such as Medicaid, WIC, SNAP, vital records, arrest records, and medical records, among others. This table identifies the relevant statute and/or code and the allowable uses permitted under those legal authorities. As a note, in some cases, whether an asset can be used or disclosed for the purposes below will also depend on the data recipient (or host). This table focuses on relevant uses and disclosures of identifiable data without consent. This table is not meant to be exhaustive, and instead summarizes the uses most relevant for sharing and integrating cross-sector administrative data. Of note, federal law generally permits de-identified and aggregate data to be shared freely without limitation and identifiable data can usually be shared with consent.

Disclaimer

Finally, this resource is not intended to constitute legal advice, nor is it a substitute for consulting with legal counsel. All information and content are for general informational purposes only. Readers should always consult with their attorney for specific legal advice. If you see any errors or omissions, please contact dejak@upenn.edu.



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This table summarizes common federal laws governing relevant permissible uses and disclosures of data assets such as Medicaid, WIC, SNAP, vital records, arrest records, and medical records, among others. This table identifies the relevant statute and/or code and the allowable uses permitted under those legal authorities. As a note, in some cases, whether an asset can be used or disclosed for the purposes below will also depend on the data recipient (or host). *This table focuses on relevant uses and disclosures of identifiable data without consent.* This table is not meant to be exhaustive, and instead summarizes the uses most relevant for sharing and integrating cross-sector administrative data. Of note, federal law generally permits de-identified and aggregate data to be shared freely without limitation and identifiable data can usually be shared with consent.

Check out the full report [here](#).

Data Asset	United States Code	Code of Federal Regulations	Allowable Uses
Arrest Records	n/a	n/a	<i>Arrest records are governed by state law</i>
Child Support Records	42 U.S.C. § 651 42 U.S.C. § 654(26) 42 U.S.C. § 654a(f) 42 U.S.C. § 669	45 C.F.R. §§ 303.21 , 307.13	<ul style="list-style-type: none">• Establishment, modification and enforcement of child support obligations• Performance of official child support program responsibilities• Paternity establishment• TANF or Medicaid program administration• Pursuant to court order• Approved census or research purposes (with safeguards for confidentiality)
Criminal Justice Information Systems (CJIS)	34 U.S.C. § 41104 34 U.S.C. § 41105 34 U.S.C. § 41106 34 U.S.C. § 41107	28 C.F.R. § 20.21(b) 28 C.F.R. § 20.33 28 C.F.R. § 20.34	<ul style="list-style-type: none">• Administration of criminal justice (investigations, prosecutions, corrections)• Research, evaluative, or statistical activities• State sealing or purging obligations• Licensing and employment• Background checks• Data processing/information services
Drivers' License Records/State Identification	18 U.S.C. § 2721(b)	6 C.F.R. § 37.33 6 C.F.R. § 37.41	<ul style="list-style-type: none">• Governmental functions• Insurance verification• Research and statistical purposes• Motor vehicle or driver safety and theft• Monitoring emissions• Product recalls and advisories• Enforcement and oversight

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Education Records	20 U.S.C. § 1232f 20 U.S.C. § 1232g	34 C.F.R. §§ 99.31-38	<ul style="list-style-type: none"> • Disclosure to school officials with legitimate educational interests • School enrollment • Government authorities • Financial aid • Audit or evaluation purposes • Studies for educational purposes • Health and safety emergencies • Directory information • Enforcement of or compliance with federal education programs • Disclosure to state or local juvenile justice systems
Homeless Management Information System (HMIS) Records	42 U.S.C. § 11363	24 C.F.R. § 576.500(x) 24 C.F.R. § 578.103(b) HMIS Data and Technical Standards, 69 Fed. Reg. 45,888 (July 30, 2004)	<ul style="list-style-type: none"> • HUD compliance monitoring • Research and analysis of patterns of service use • Reimbursement and funding priorities • Service delivery • De-identification • Collection of unduplicated counts • Analyze patterns of use assistance provided • Project sponsors and applicants
Medicaid	42 U.S.C. § 1396a(a)(7) 42 U.S.C. § 1396b 42 U.S.C. § 1396w-3a	42 C.F.R. §§ 431.301; 431.303; 431.306; 431.307 42 C.F.R. §§ 435.945; 435.948; 435.952 42 C.F.R. § 495.346	<ul style="list-style-type: none"> • Verification of income, eligibility and amount of assistance for other federal programs • Medical assistance eligibility • Service delivery • Investigations related to administration of Medicaid Plan • Program integrity efforts • Prescription drug monitoring • Integration of information into covered provider workflows • State Medicaid program administration
Medical/Health Records	42 U.S.C. § 1306 42 U.S.C. § 1320c-9 42 U.S.C. § 1320d et al. 42 U.S.C. § 17935	45 C.F.R. § 164 et seq.	<ul style="list-style-type: none"> • Treatment, payment and health care operations • Health care planning and public health activities • Research • Administration of employee benefit plans • Public inspection of certain program evaluations, excluding personal identifiers • Facilitate standardized electronic health care transactions • Law enforcement purposes under specific conditions

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Supplemental Nutrition Assistance Program (SNAP)	7 U.S.C. Chapter 51 7 U.S.C. § 2020(e)(8)	7 C.F.R. § 272.1(c)	<ul style="list-style-type: none"> Administration of federal and state assistance programs Recovery of over issuances through tax refund offsets Administration of the National School Lunch Program or the School Breakfast Program for certifying eligibility Officials for locating individuals Program enforcement
Substance Use Disorder Records	42 U.S.C. § 290dd-2	42 C.F.R. §§ 2.12, 2.31, 2.33, 2.51-2.53	<ul style="list-style-type: none"> Medical personnel in a bona fide medical emergency Scientific research, audits, or program evaluation with conditions Pursuant to court order Diagnosis, treatment, or referral for treatment Disclosure to qualified organizations providing services Reporting crimes against program personnel Reporting suspected child abuse and neglect
Supplemental Social Security Income	42 U.S.C. § 405 42 U.S.C. § 1306 42 U.S.C. §§ 1381-1383f	20 C.F.R. § 401.150 20 C.F.R. § 416.101 20 C.F.R. § 416.708 20 C.F.R. § 416.1031	<ul style="list-style-type: none"> Verifying and matching information for administration and enforcement of federal laws Medicare/Medicaid administration or overpayment recovery Verifying income, resources, or disability status Fraud investigations or program enforcement, consistent with Privacy Act requirements Planning or conducting a census or survey Records management inspections Statistical research or program evaluation
Tax Return Information	26 U.S.C. § 6103 26 U.S.C. § 7431	26 C.F.R. § 301.6103(c)-1 26 C.F.R. § 301.7216-2	<ul style="list-style-type: none"> Tax preparation Federal and state tax enforcement and administration Tax litigation and prosecutions Disclosure to the President for specified officials' returns Disclosure to congressional committees (under confidentiality rules) Statistical analysis and economic research Pursuant to court order

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Temporary Assistance for Needy Families (TANF) Program	42 U.S.C. § 602 42 U.S.C. § 604 42 U.S.C. § 611	45 C.F.R. § 205.50 45 C.F.R. § 263.2 45 C.F.R. § 265.9	<ul style="list-style-type: none"> • Program administration • Administering federally assisted programs which provide assistance, in cash or in kind, or services, directly to individuals on the basis of need • Promoting self-sufficiency through job preparation and work activities • Employment verification • Audits
Unemployment Insurance Employment Records	26 U.S.C. § 3304 42 U.S.C. § 405 42 U.S.C. § 503	20 C.F.R. § 603.4 20 CFR § 603.5 81 FR 56072	<ul style="list-style-type: none"> • Eligibility determination • Administration of unemployment compensation programs • Disclosure to public official for use in the performance of official duties • Disclosure to Bureau of Labor Statistics for statistical purposes • Federal oversight & audits • Fraud detection • Program oversight • Pursuant to court order • Evaluation of state programs • Research
Veterans' Affairs Claims	38 U.S.C. § 5701 38 U.S.C. § 5727 38 U.S.C. § 7332	38 C.F.R. § 0.605 38 C.F.R. §§ 1.500-1.527 38 C.F.R. § 1.575	<ul style="list-style-type: none"> • Medical referrals • Costs recovery • Public health reporting or safety purposes • Credit monitoring after security incident • Claims processing • Benefits administration and verification • Computer matching with federal or state agencies to verify benefits or prevent fraud • Appeals or investigations related to VA claims or benefits • Providing loan or benefit application status to veterans or joint applicants • Collecting SSNs for compensation or pension benefits • Eligibility determination for health benefits plans • Employment decisions • Audits, fraud detection, or program integrity • Research or statistical purposes
Vital Records	n/a	n/a	<i>Vital records are governed by state law</i>

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Voter Registration Records	52 U.S.C. § 20504 52 U.S.C. § 20505 52 U.S.C. § 20507(i) 52 U.S.C. § 20508 52 U.S.C. § 21082 52 U.S.C. § 21083	n/a	<ul style="list-style-type: none">• Public records• Implementation of voter registration programs and activities under the NVRA• Voter registration applications• Ensuring compliance with NVRA requirements• Verifying voter eligibility or coordinating with agencies• Inspection or copying• Oversight, reporting, or enforcement of NVRA compliance• Statistical analysis or election administration purposes
Women, Infants, and Children (WIC) Program	7 U.S.C. § 2018(c) 42 U.S.C. § 1786	7 C.F.R. § 246.26(d)	<ul style="list-style-type: none">• Program administration and enforcement• Eligibility determination• Compliance• Program evaluations• WIC-related research• Administration of programs that benefit WIC-eligible persons• Child abuse or neglect reporting• Verification of information for SNAP administration, enforcement, or investigation of federal law violations• Administration of the Food and Nutrition Act or to enforce other federal laws

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