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10 Best Practices

for ROI on HIPAA Expert Determination

The **Health Insurance Portability and Accountability Act**

HIPAA requires de-identification experts to follow generally accepted statistical and scientific methods for addressing re-identification risk. Still, many factors beyond the math can affect how successfully an organization achieves its intended outcomes through one or more **Expert Determinations**.

Some organizations find their Expert Determination processes frustratingly fragile. They see slow, expensive changes to their Expert Determinations to accommodate evolving data-sharing needs. Others discover their process is too lengthy, requiring many iterations to arrive at a de-identification approach that works for their organization.

Going From **Brittle to Best-in-Class**

Taking the right business approach to Expert Determination can help you achieve your desired outcomes more quickly, easily, and cost-efficiently.

Privacy Analytics has been supporting clients and partners with Expert Determination since 2007. In that time, we've discovered several factors that can significantly impact your organization's ability to reach its desired outcomes. Together, they can help ensure compliance while streamlining the process, saving you time and money.

We've included a breakdown of 10 factors below so you can learn the best practices for improving ROI on HIPAA Expert Determination.

10 Best Practices:

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Partner With Your De-identification Expert

A partner relationship with your de-identification expert builds their familiarity with your data, use case, and stakeholders. Most organizations will require multiple Expert Determinations, whether addressing new use cases or accommodating changes to existing data sharing.

When you partner with your de-identification expert, they can provide privacy advice and guidance as you explore new or changing data initiatives. This goes beyond simply streamlining the ongoing support for any new or revised Expert Determinations that might be required. You're able to address these new needs a lot faster, as your de-identification expert has an existing understanding of the goals and constraints of the business, rather than starting from scratch every time. This drastically speeds up the whole process, especially as the industry is looking at increasingly complex datasets leveraging extensive linkage and unstructured data, which can require Determinations of larger scope.

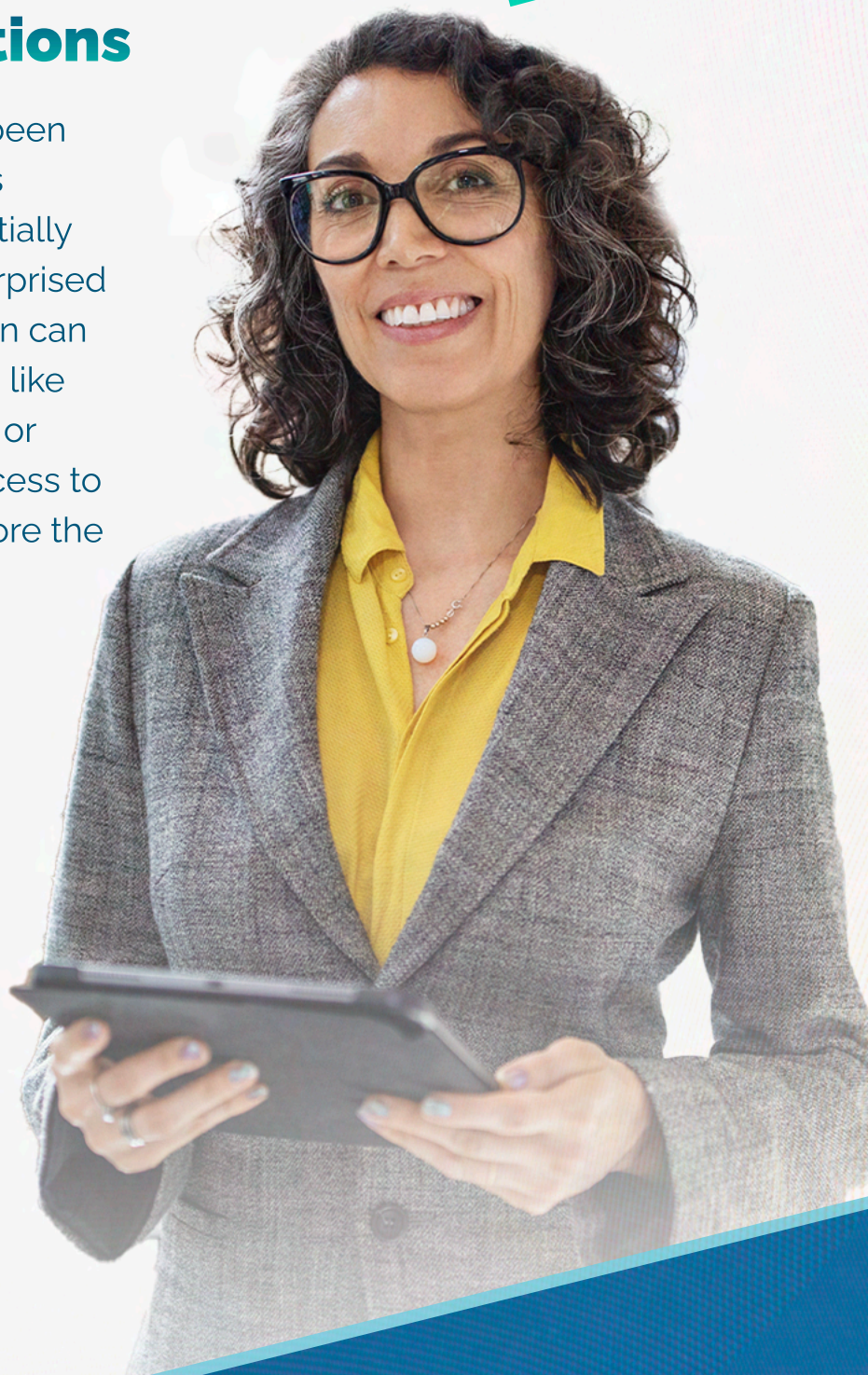


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Challenge Assumptions

While Expert Determinations have been around for a long time, the methods and approaches used have substantially evolved. Some organizations are surprised to learn that an Expert Determination can be completed on unstructured data like text, DICOM medical images, audio, or video, sometimes without direct access to the data, or even prospectively, before the data exists!

While there are some practical limits to circumstances where a Determination can be performed, it is good to validate your assumptions with your de-identification expert to ensure you're not artificially limiting your options.



Plan Ahead

As business needs and available resources evolve, data, data flows, end users, and environments will likewise evolve over time. When this happens, any Expert Determinations supporting the data-sharing scenario may need to be revised or adapted, sometimes leading to recommended changes to the de-identified data. If you're not ready for instances like this, it can lead to increased costs and long timeframes as you start from the ground up each time.

That's why planning is such a helpful practice. If you can foresee situations when data or data flows could change, you can strive for a system where Expert Determinations can be quickly and efficiently re-adjusted to capture evolving data sharing.

Two things you can do to accommodate evolving data-sharing scenarios are to:

Flag upcoming changes to your data sharing

Consider future activities and initiatives that might require changes to Expert Determination in your organization. Linking additional data or sharing with a new end user could affect the validity of an existing Determination.

Have an adaptable approach

Even with good planning, unforeseen changes can occur in data-sharing scenarios. Particularly for dynamic data-sharing scenarios, having a predefined process to assess and adapt your Expert Determination as needed can support efficient changes to the Determinations to ensure ongoing coverage.



Identify Similar Data-Sharing Scenarios

Is your organization planning multiple data releases? If so, you should consider how much alignment exists between each release in terms of the data, data flows, end users, environments, and de-identification requirements.

Are you noticing a crossover between your data releases? This can open the door to a more efficient and streamlined Determination process by combining multiple Determinations into one. Rather than having a de-identification expert make separate assessments on every sharing scenario, you can identify meaningful alignments between projects and often consolidate them into a combined assessment.

Combining Expert Determinations and having your de-identification expert make assessments covering multiple scenarios can eliminate duplicated efforts on similar projects while addressing contrasting data elements, data flows, or end users. Ultimately, combining Expert Determinations can save time and money.



Assemble The Right Project Team

Having the right Expert Determination team is essential for the success of your projects. Many companies go wrong because they don't know who should make up the Expert Determination team. Assembling the right people will improve the efficiency of the Expert Determination project, reducing iterations and getting to practical recommendations faster.

Who should form your Expert Determination project team? We recommend filling three key roles:

A data expert who has a detailed understanding of the data being de-identified. They can describe the data elements under examination, their meaning, and how they are populated to ensure the de-identification expert is able to appropriately assess the identifiability of the data.

A legal or governance representative who can inform you of the contractual requirements governing the use of the data and any special regulatory requirements outside of HIPAA. More importantly, you want the legal or governance team to have visibility to the de-identification expert's approach and align with their expectations throughout the process.

An end user who can offer details about the intended use, handling, and storage of the de-identified data, and, critically, who can speak to the data elements and precision that's most important to their data-driven initiatives. This lets the de-identification expert tailor any recommended transformations or workflow changes to the specifics of the intended uses, reducing iteration that can arise if the end requirements are poorly understood.

Having the right project team makes you more accurate and efficient. While you may be able to push through the Expert Determination process without the key roles above, it's more beneficial to assemble a team that steers you in the right direction.



Understand Where Your Data Is Going

Your Expert Determination depends on understanding where the de-identified dataset will end up and who will use it. The destination of the data will inform three key inputs to an Expert Determination:

- Who are the end users of the data?
- In what environment will the end users work with the data?
- What other data assets do the end users keep there?

These details will affect how a de-identification expert assesses identifiability, both in terms of data elements and potential re-identification threats under consideration. Understanding where the de-identified data will end up avoids unnecessarily strict recommendations that protect against scenarios that are completely out of scope or very unlikely.



Know Your Business Priorities

Different businesses have different priorities that are dependent on the organization. Achieving the most useful HIPAA Expert Determination will ultimately depend on what's best for your business.

Consider the factors that matter the most to your company to help advance your data strategy:

- **Is it speed? Do you need the determination quickly to meet tight and firm deadlines?**
- **Is it affordability? Do you require the determination with the lowest costs possible?**
- **Is it flexibility? Does the determination need to be very flexible and versatile?**

The answer will differ from company to company. Regardless, a good de-identification expert will adapt the project's approach to fit your business goals and needs.



Understand the Needs of End Users

Best-in-class Expert Determinations are driven by making the de-identified data as useful as possible, which relies on understanding the fields and granularity required by the use case. Will you need granular age or geography? Is mortality information vital to your application and, if so, how important is it? Knowing which fields are essential reduces iteration between your end users and your de-identification experts, making determination smoother and more efficient.

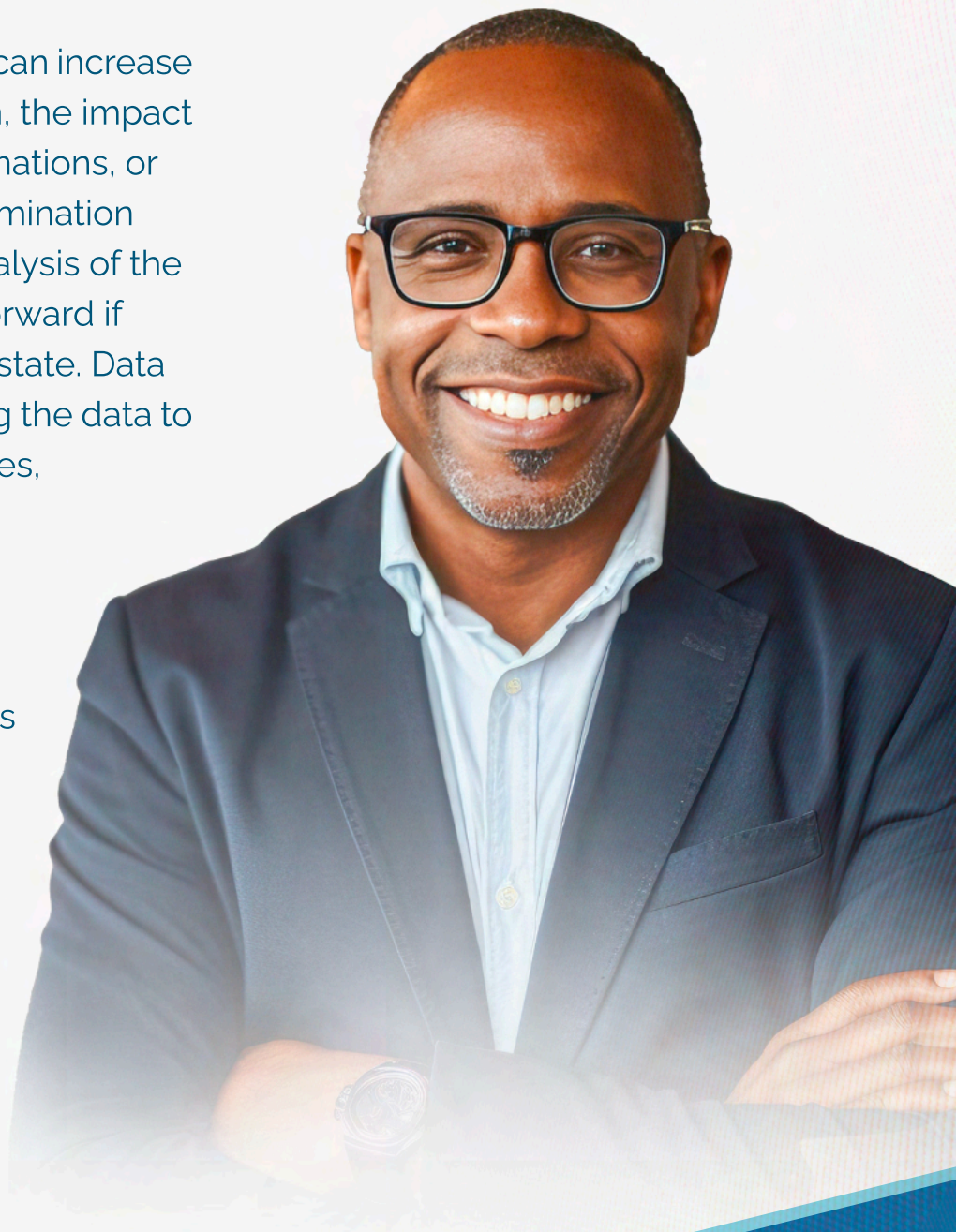
This ties back to having the right team around you for Expert Determination. The data experts can articulate the significance and interpretation of the data, while the end users provide useful information on how the data will be used. Involving both roles offers the smoothest Expert Determination process.



Work With Clean Data

Trying to de-identify dirty data can increase the scope of the Determination, the impact of the recommended transformations, or both. Because an Expert Determination usually involves a statistical analysis of the data, it is much more straightforward if the data is analyzed in a clean state. Data cleanup can include simplifying the data to use common field names, values, date conventions, or units.

Usually, data analytics is streamlined by working on clean, de-identified data, so this cleanup is already part of the intended journey for the data. By cleaning upstream of the Expert Determination process, the Determination can be streamlined to reduce cost and time.



Keep Track of Expiry

Like any audit, an Expert Determination will not last forever. Regular renewals or revisions may be required to ensure the assumptions of the work remain valid and that the methods used still satisfy the expectations of HIPAA. Exploring renewals or revisions with your de-identification expert before expiry ensures your data sharing has continuously documented coverage demonstrating alignment with HIPAA, without any gaps in time.

These 10 best practices will help your organization streamline the HIPAA Expert Determination process, saving money, increasing efficiency, and improving ROI.

About Privacy Analytics

With Privacy Analytics, you get proven technology and expertise to enable timely, **usable data** that can be **safely linked** and put to work – in compliance with global regulations – and backed by **auditable proof**.

<https://privacy-analytics.com/>



- ✓ GDPR
- ✓ HIPAA
- ✓ CCPA



100s of other privacy and
data protection laws
worldwide



100s of clients served over
17 years in business



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Contact Our Experts

Reach out to us for a detailed discussion on how our services and technology can enhance your data-driven initiatives while ensuring privacy compliance.

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