



Data Sharing Review and Execution Procedure

| Department | Document Number | Organizational Scope | ICES Site | IPC Scope |
|-------------------------------|----------------------------------|------------------------|--------------------------------------|-------------------------------|
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| Procedure Owner (Title) | | | | |
| Director, PLO | | | | |
| Required Reviewers (Titles) | | | | |
| N/A | | | | |

Please refer to the [glossary](#) for terms and definitions.

1.0 ROLES AND RESPONSIBILITIES

- 1.1 ICES Privacy Analyst is responsible for providing requests (via recommendations contained in completed **Privacy Impact Assessments (“PIAs”)** for drafting **Data Sharing Agreements (“DSAs”)** to the ICES Paralegal.
- 1.2 ICES Paralegal is responsible for drafting and facilitating legal review of **DSAs** and ensuring that any **DSAs** satisfy the requirements of ICES’ *Execution of Data Sharing Agreement Standard*, and for updating ICES’ *Execution of Data Sharing Agreement Standard* to ensure that it continues to reflect ICES’ emerging practices and the requirements outlined in the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities*, as amended from time to time, by the **Information and Privacy Commissioner of Ontario (“IPC”)**.
- 1.3 **ICES Requestor** is responsible for submitting a draft **PIA** to an ICES Privacy Analyst – and including any applicable detailed request to transfer/download/import/collect data -, and (upon request) for supporting ICES Paralegal with external review of **DSAs** as needed.
- 1.4 ICES personnel who are stakeholders in the intended activities to be governed by a **DSA**, as necessary, are responsible for reviewing and providing feedback about non-standard terms and/or revisions to standard terms and providing feedback to the ICES Paralegal to support appropriate drafting.
- 1.5 ICES designated signatories are designated as such via ICES’ *Signing Authority Policy* and are responsible for reviewing draft **DSAs** upon request and signing **DSAs** where appropriate.
- 1.6 ICES Legal Counsel is responsible for supporting ICES Paralegal with drafting and facilitating legal review of **DSAs**, throughout the development and negotiation process.
- 1.7 ICES **Chief Privacy and Legal Officer (“CPLO”)** is responsible for reviewing and signing **DSAs** in a manner consistent with ICES’ *Signing Authority Policy*.

2.0 DETAILS

- 2.1 Collecting data for **General Use Data (“GUD”)** holdings and **Controlled Use Data (“CUD”)** holdings:



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- 2.1.1 An ICES Privacy Analyst provides a completed copy of a **PIA** containing a recommendation to prepare a **DSA**, amending an existing **DSA** or **Data Sharing Request Form** (as applicable) to datapartnershipsanddevelopment@ices.on.ca and datasharing@ices.on.ca.
- 2.1.2 Using the applicable contract template, and following any other instructions identified in the completed **PIA**, the ICES Paralegal prepares the requested contract and sends a copy to the **ICES Requestor** for review.
- 2.1.3 After the **ICES Requestor** confirms the content of the draft agreement, the ICES Paralegal facilitates further development, review, negotiation and signing in accordance with ICES' *Contract Policy*, ICES' *Contract Review Procedure*, and ICES' *Signing Authority Policy*.
- 2.1.4 After the requested **DSA** is fully signed, the ICES Paralegal uploads a signed copy into ICES' **Contract Management Software** ("**CMS**"), and ensures the applicable information is logged, including:
 - a. **Data Provider**;
 - b. Effective date;
 - c. Purpose from **Statement of Purpose** ("**SOP**");
 - d. Nature of the **Personal Health Information** ("**PHI**") and/or **Personal Information** ("**PI**"); and
 - e. **ICES Time Resource and Information Management** ("**TRIM**") system number
- 2.1.5 The ICES Paralegal sends a copy of the fully executed **DSA** to the **ICES Requestor**, datapartnershipsanddevelopment@ices.on.ca, and DataDQIMDept@ices.on.ca
- 2.1.6 The **ICES Requestor** logs the new **ICES Data Holding** in the **ICES Data Inventory**, and shares a copy of the logged information with compliance@ices.on.ca for verification.
- 2.1.7 Only after the ICES **Data Quality and Information Management** ("**DQIM**") department receives the signed **DSA** may it proceed to collect/download the data governed under the terms of the **DSA**, and when it does so, **DQIM** personnel logs it in ICES' **CMS**;
 - a. the collection date; and
 - b. the data destruction date; and
 - c. any other information identified as required in ICES' Secure Transfer of Personally Identifiable Information Procedures.
- 2.1.8 **DQIM** personnel downloads/collects the data in accordance with the transfer processes defined in the **DSA**.
- 2.1.9 **DQIM** personnel schedules a time to generate meta-data from the newly posted **ICES Data Holding** and reflects this in the **Data Dictionary**, then notifies datapartnershipsanddevelopment@ices.on.ca.
- 2.1.10 After **DQIM** personnel confirms the **Data Dictionary** is successfully updated, ICES Strategic Partnerships provides a summary of the **Data Holding Obligations** ("**DHO**") to compliance@ices.on.ca, and compliance@ices.on.ca adds information about the new **ICES Data Holding** to the ICES **DHO** page of the **ICES Data Dictionary**.



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2.2 Collecting Data for **ICES Projects**

- 2.2.1 The ICES Privacy Analyst who reviews the **ICES Project Privacy Impact Assessment** (“**Project PIA**”) communicates completion of the review and assessment following the steps set out in the *Privacy Impact Assessment Review and Analysis for ICES Projects Procedure*, which include providing a PDF copy of the approved **Project PIA** to the ICES Paralegal.
- 2.2.2 The ICES Paralegal establishes the requested agreement, by following the instructions in the **Project PIA**, and then submits the draft to ICES Legal Counsel, ICES signatory(ies), and the **Data Provider** for review, in accordance with ICES’ *Contract Review Procedure*.
- 2.2.3 As soon as possible after receiving a fully-signed copy of the recommended agreement, the ICES Paralegal uploads the signed agreement into ICES’ **CMS**, and ensures all applicable information is logged, including
 - a. **Data Provider**;
 - b. **Effective Date**;
 - c. Purpose from **Statement of Purpose**;
 - d. Nature of the **PHI/PI**; and
 - e. **TRIM** number
- 2.2.4 The ICES Paralegal provides notification and a signed copy of the agreement by email to each member of the **Project Team**, DQIMDept@ices.on.ca, and the applicable ICES Research Program’s general Inbox, along with instructions for transferring data.
- 2.2.5 Only after **DQIM** personnel receives the signed agreement and verifies ICES has the authority to collect the data pursuant to the agreement may it proceed to collect the data.
- 2.2.6 After the data has been collected (becoming **ICES Data**), **DQIM** personnel logs in ICES’ **CMS**:
 - a. The collection date; and
 - b. The data destruction date; and
 - c. Any other information identified as required in ICES’ *Secure Transfer of PHI/PI Procedure*.
- 2.2.7 Where the contract identifies more data variables than actually were disclosed to ICES, an amendment to the **PIA** may not be required. In these circumstances, **DQIM** personnel notifies the appropriate **Research Program Manager** (“**RPM**”), who makes a decision with the **Project Team** to either request a replacement file or leave as is. **DQIM** personnel also records a description of the discrepancy in ICES’ **CMS**.

2.3 Collecting data for **Third Party Research Projects**:

- 2.3.1 **Third Party Researchers** (“**TPRs**”) must prepare a study proposal and submit their proposals electronically to the ICES Program Leader of the ICES **Primary Care and Health Systems** (“**PCHS**”) program for preliminary review. The ICES Program Leader (**PCHS**) determines eligibility and feasibility of the study, and appropriate use of the data requested.



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- 2.3.2 If approved, **TPRs** can submit the approval from the ICES Program Leader (**PCHS**), the ICES **Data & Analytic Services** (“**DAS**”) request form and study proposal to the ICES **Research Program Coordinator** (“**RPC**”) for **DAS**.
- 2.3.3 The ICES **RPC (DAS)** requests initial adjudication from the ICES **Project Manager** (“**PM**”) (for **DAS**), who assesses whether the proposed research is feasible.
- 2.3.4 If approved, the ICES **RPC (DAS)** is responsible for scheduling a consultation, including the ICES **TPR**, ICES **Staff Scientist** (“**SS**”) (for **DAS**), and ICES **PM (DAS)**.
- 2.3.5 The ICES **Privacy and Legal Office** (“**PLO**”), **DQIM** department, and Strategic Partnerships may be consulted to determine feasibility and cost of the importation of the applicable data.
- 2.3.6 The ICES **RPC (DAS)** or ICES **PM (DAS)** and ICES **SS (DAS)** jointly prepare a **Confirmation of Feasibility** (“**COF**”), which includes a letter of support, written research plan, and preliminary quote for services, and provides it to the **TPR** for submission to a valid **Research Ethics Board** (“**REB**”).
- 2.3.7 The **TPR** is required to provide the **COF** to a **REB** as supporting documentation for the application. After **REB** approval is obtained, the **TPR** provides the approval letter, application, and supporting documentation to the ICES **RPC (DAS)** for review, serving
- 2.3.8 as proof that conditions outlined in the **COF** were met. Evidence of submission is required by the ICES **PLO** to ensure the **REB** has reviewed the submission in its completed form.
- 2.3.9 ICES **PLO** reviews the submitted documents and communicates to the ICES **RPC (DAS)** if conditions are satisfied for approval, or if a **REB** amendment is required.
- 2.3.10 If necessary, the ICES **RPC (DAS)** arranges a follow-up consultation between the **TPR** and the ICES **SS (DAS)** to discuss revisions to the research scope or funding, in order to develop a preliminary **Dataset Creation Plan** (“**DCP**”). The ICES **SS (DAS)** advises the ICES **PM (ICES)** and ICES **RPC (DAS)** of any changes to the budget.
- 2.3.11 Upon development of the preliminary **DCP**, the ICES **RPC (DAS)** drafts the applicable agreement and provides it to the **TPR**. The agreement includes the data sharing conditions, the contractual obligations, including terms and conditions of the agreement, and agreed upon research.
- 2.3.12 The **TPR** must also sign an **Authorized Researcher Confidentiality Agreement**.
- 2.3.13 An unmodified agreement provided by ICES to the **TPR** is considered fully-signed when the **TPR** (and, if applicable, their institution) provides signed copies of the agreement and **Authorized Researcher Confidentiality Agreement**. If any revisions to the agreement are requested before signing, these must be forwarded to datasharing@ices.on.ca for review, and if approved then the ICES signatories must be added, and the agreement must be counter-signed by ICES in accordance with ICES’ *Signing Authority Policy*.
- 2.3.14 After the **agreement** is fully signed, the ICES **RPC (DAS)** sends a copy of the quote and the signed agreement to Finance@ices.on.ca for ICES’ **TRIM** system number assignment, and a copy of the agreement to DQIMDept@ices.on.ca.
- 2.3.15 **DQIM** personnel contact the **TPR** and provides instructions for the transfer of the data governed by the agreement. **DQIM** personnel collect the data from the individual



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specifically identified in the agreement and only after the **DQIM** department receives a copy of the fully signed agreement.

3.0 RELATED DOCUMENTATION

3.1 *Signing Authority Policy*

3.2 *Secure Transfer of PHI/PI Procedure*

3.3 *Contract Review Procedure*

3.4 *Privacy Impact Assessment Review and Analysis for ICES Projects Procedure*

3.5 *Execution of Data Sharing Agreement Standard*

3.6 *Contract Policy*