

Data-Sharing Agreement Checklist

Purpose: This checklist provides an overview of the general topics covered in a data-sharing agreement. Jurisdictions may include additional requirements.

The provider agrees to:

- ☐ Comply with all legal and regulatory requirements.
- ☐ Develop and implement a security plan that satisfies statutory and regulatory obligations.
- ☐ Establish administrative and operational safeguards to protect Personally Identifiable Information (PII) and confidential information from unauthorized use or disclosure.
- ☐ Ensure subcontractors adhere to federal, state, and district requirements to protect PII.
- ☐ Communicate with and train tutors and staff on data security and privacy responsibilities to meet all legal requirements.
- ☐ Respond promptly to data security and privacy incidents that may compromise PII.
- ☐ Define processes for returning, deleting, or destroying data upon contract termination or expiration.
- ☐ Encrypt data both in transit and at rest to ensure security.

Note: *This tool is not legal advice, and the exclusion of any particular item from this checklist does not mean you should exclude it from your data-sharing agreement.*