Outgoing Data: Is a DTUA Required or Recommended for Research Purposes?

- Is there some other agreement that the parties agree covers this data transfer? (e.g. Subaward, Collaboration Agreement)
  - Yes: A DTUA is not required, but an agreement may be recommended based on investigator/institutional policy or preference
  - No: If sharing is permitted, a DTUA or other appropriate agreement may be required

- Are the data about or derived from human beings?¹
  - Yes: Are the data proprietary or otherwise subject to confidentiality or other restrictions on transfer or use?
    - Yes: A DTUA is required to share the data for research. For other purposes, consult your legal counsel or authoritative office for the proper contract form.
    - No: A DTUA is not required, but an agreement may be recommended based on investigator/institutional policy or preference
  - No: Will the Recipient receive any identifiers or legally controlled personal information?²
    - Yes: Will the Recipient receive coded data?
      - Yes: Will the Recipient receive the key to the code?
        - Yes: The parties must agree in writing that they will not exchange/request the key to the code. Often a DTUA is the most efficient manner to accomplish this, but some institutions may accept an email exchange. Check with your legal counsel for guidance.
        - No: Does the key to the code still exist?
          - Yes: If sharing is permitted, a DTUA or other appropriate agreement may be required
          - No: A DTUA is required, but an agreement may be recommended based on investigator/institutional policy or preference
    - No: A DTUA is not required, but an agreement may be recommended based on investigator/institutional policy or preference

¹ Examples of data about or derived from human beings, include but are not limited to:
- Genomic and genetic information
- Clinical information
- Image information
- Survey data
- Audio/video recordings
- Transcripts
- Collected from mobile devices/technology

² Examples of legally controlled personal information, include but are not limited to:
- HIPAA
- Common Rule
- FERPA
- U.S. Privacy Laws
- Consult applicable state and local laws