Outgoing Data: Is a DUA/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: Are the data about or derived from human beings?¹

- Yes: Will the Recipient receive any identifiers or legally controlled personal information?²
  - 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: Will the Recipient receive coded data?
     - Yes: Will the Recipient receive the key to the code?
       - Yes: Does the key to the code still exist?
         - 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: A DTUA is not required, but an agreement may be recommended based on investigator/institutional policy or preference
       - No: Does the key to the code still exist?
         - 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: A DTUA is not 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

- No: 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?
  - No: Will the Recipient receive any identifiers or legally controlled personal information?²

- If sharing is permitted, a DTUA or other appropriate agreement may be required

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