



WA DOH Tribal DSA Consultation

JANUARY 9, 2025 – THURSDAY 2-3:30PM
Virtual – Zoom

Agenda

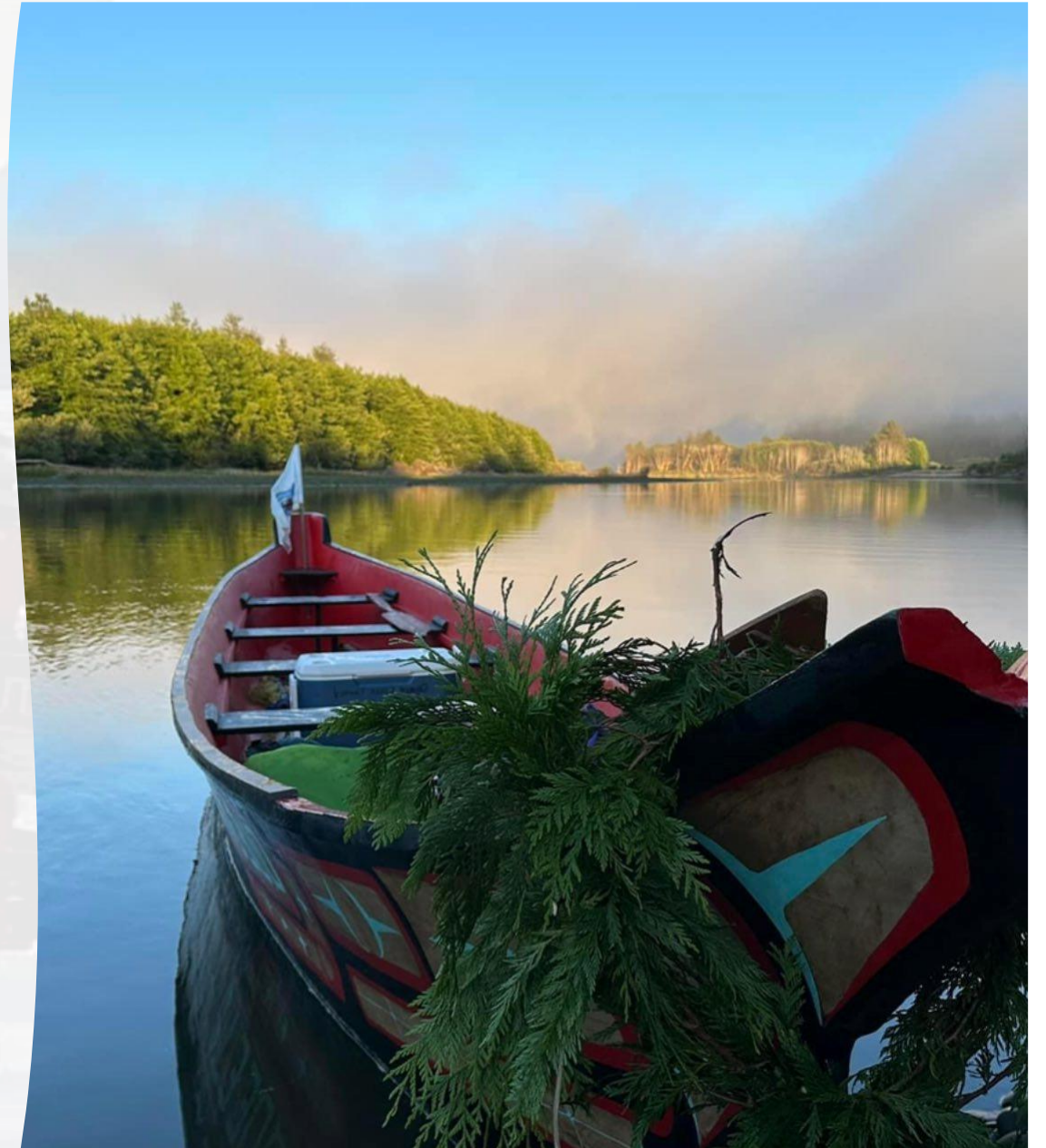
Welcome & Introductions

Recap of Roundtables 1/2

TDSA Template

Consultation Review

Next Steps & Closeout



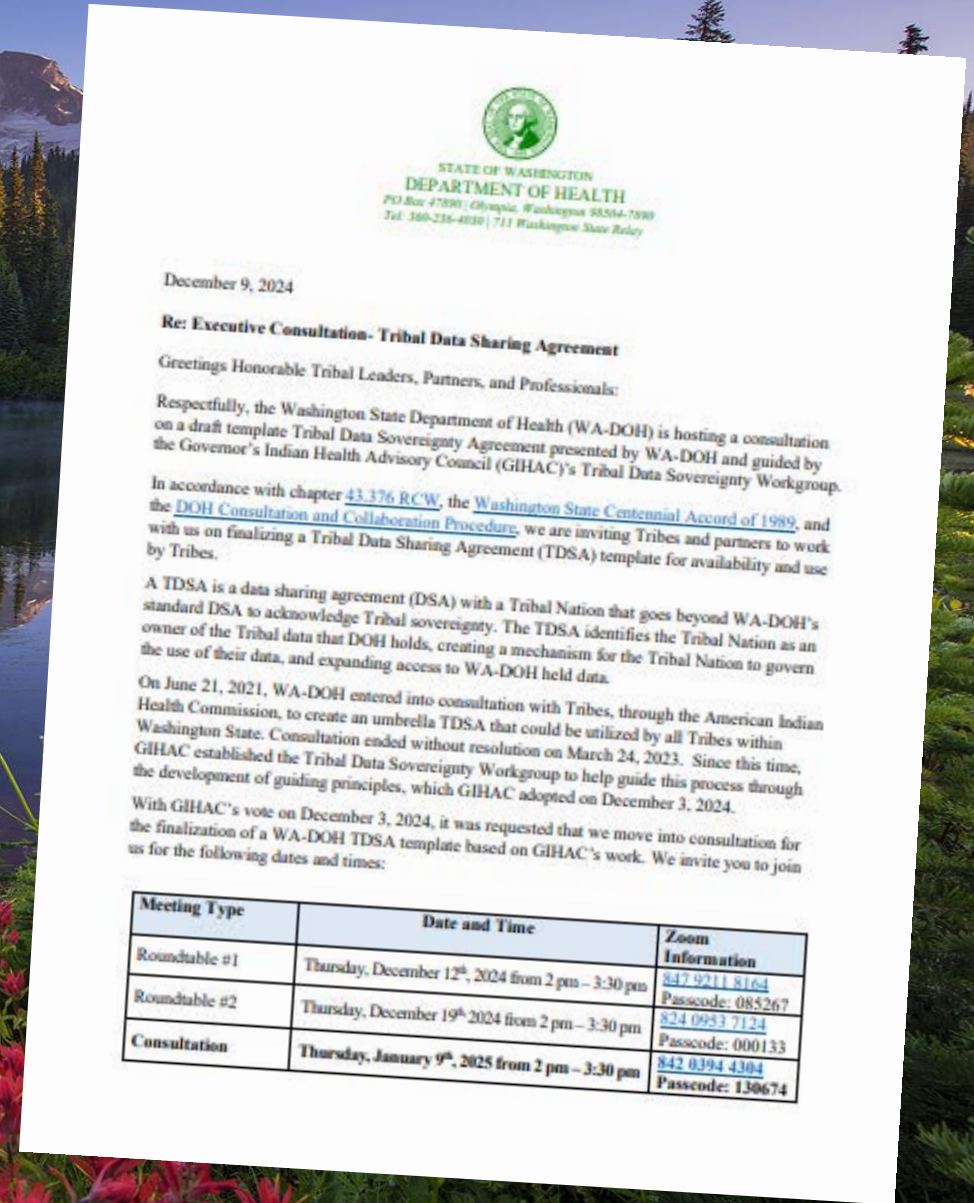
Overview

TDSA Executive Consultation

On June 21, 2021, WA-DOH entered into consultation with Tribes through the AIHC to create an umbrella TDSA. Consultation ended without resolution on March 24, 2023. Since this time, WA-DOH's work continued and GIHAC established the Tribal Data Sovereignty Workgroup to help guide this process through the development of guiding principles, the Tribal DSA Checklist, which GIHAC adopted on December 3, 2024. With this vote, consultation was requested for the finalization of a WA-DOH TDSA template based on GIHAC's work.



@WaDeptHealth
@WaHealthSec



December 9, 2024

Re: Executive Consultation- Tribal Data Sharing Agreement

Greetings Honorable Tribal Leaders, Partners, and Professionals:

Respectfully, the Washington State Department of Health (WA-DOH) is hosting a consultation on a draft template Tribal Data Sovereignty Agreement presented by WA-DOH and guided by the Governor's Indian Health Advisory Council (GIHAC)'s Tribal Data Sovereignty Workgroup.

In accordance with chapter 43.376 RCW, the Washington State Centennial Accord of 1989, and the DOH Consultation and Collaboration Procedure, we are inviting Tribes and partners to work with us on finalizing a Tribal Data Sharing Agreement (TDSA) template for availability and use by Tribes.

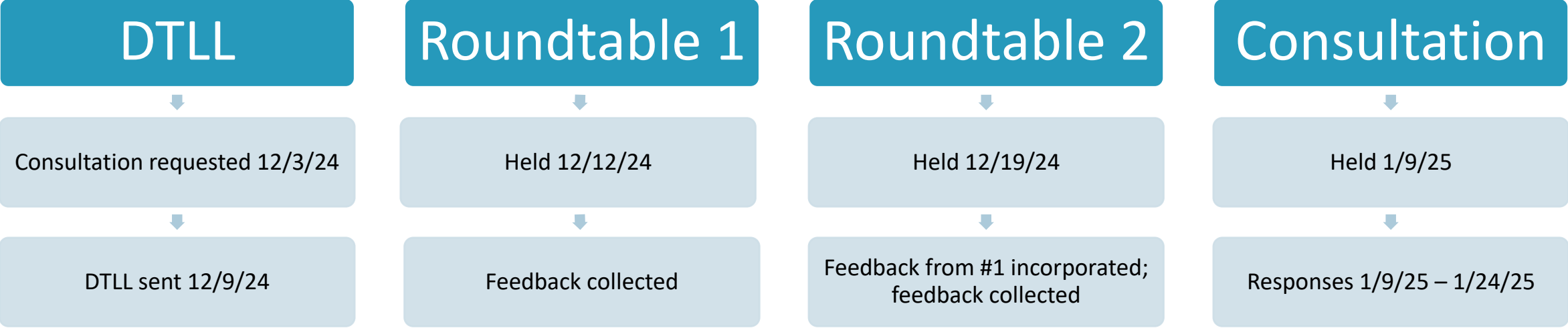
A TDSA is a data sharing agreement (DSA) with a Tribal Nation that goes beyond WA-DOH's standard DSA to acknowledge Tribal sovereignty. The TDSA identifies the Tribal Nation as an owner of the Tribal data that DOH holds, creating a mechanism for the Tribal Nation to govern the use of their data, and expanding access to WA-DOH held data.

On June 21, 2021, WA-DOH entered into consultation with Tribes, through the American Indian Health Commission, to create an umbrella TDSA that could be utilized by all Tribes within Washington State. Consultation ended without resolution on March 24, 2023. Since this time, GIHAC established the Tribal Data Sovereignty Workgroup to help guide this process through the development of guiding principles, which GIHAC adopted on December 3, 2024.

With GIHAC's vote on December 3, 2024, it was requested that we move into consultation for the finalization of a WA-DOH TDSA template based on GIHAC's work. We invite you to join us for the following dates and times:

Meeting Type	Date and Time	Zoom Information
Roundtable #1	Thursday, December 12 th , 2024 from 2 pm – 3:30 pm	847.9211.8164 Passcode: 085267
Roundtable #2	Thursday, December 19 th , 2024 from 2 pm – 3:30 pm	824.0953.7124 Passcode: 000133
Consultation	Thursday, January 9 th , 2025 from 2 pm – 3:30 pm	842.0394.4304 Passcode: 130674

Consultation Process



Roundtable #1 Recap

- **Summary of Roundtable #1**
 - Side-by-side of Checklist and draft TDSA Template; Kristin walked us through the template summarizing each component.
 - Refined Roundtable #2 agenda based on feedback from participants in first session.
- In preparation for Roundtable #2, OTPHR completed wider distribution as requested, in collaboration with DSHS and HCA, as well as presentations at Tribal meetings



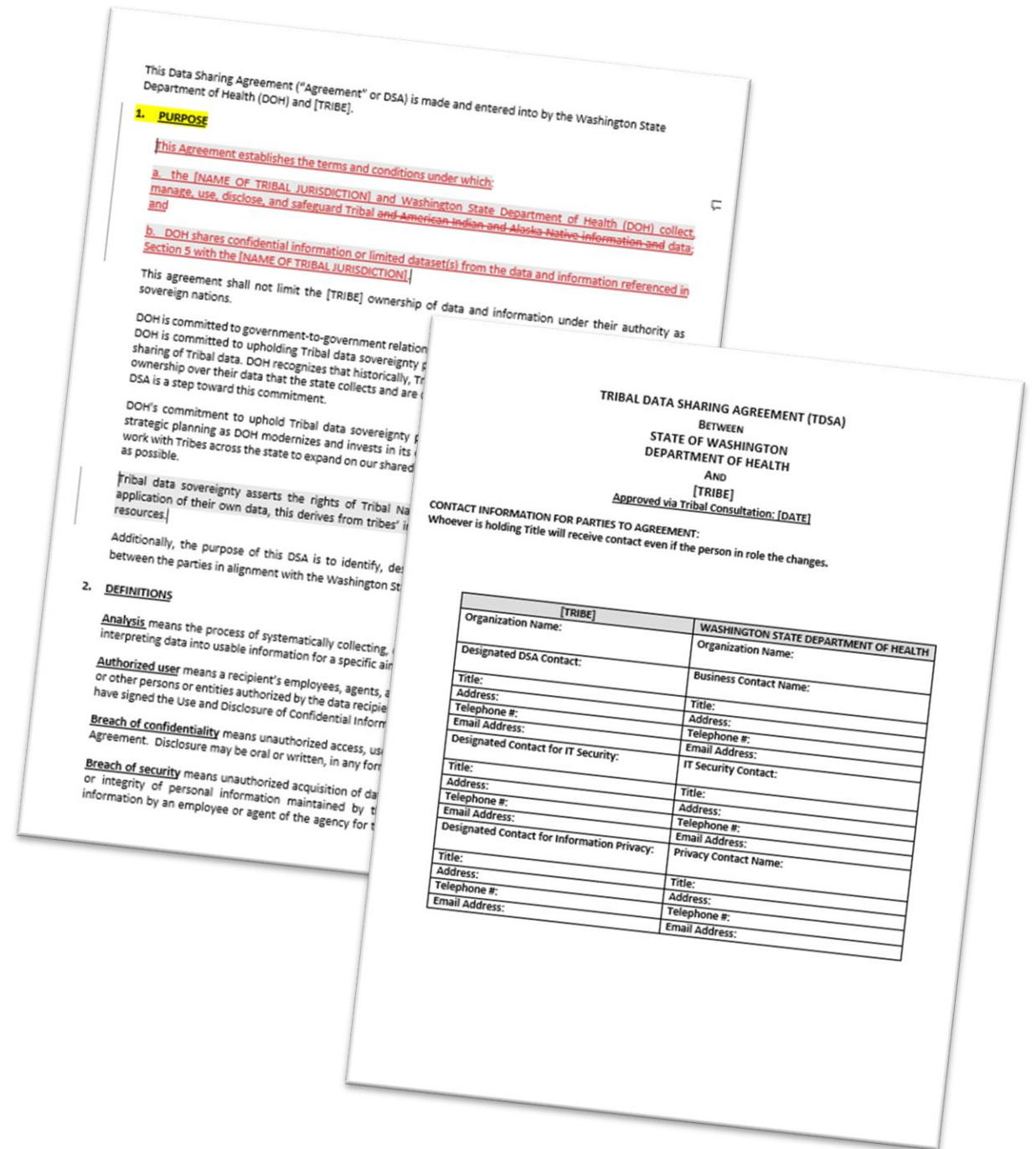
TDSA Checklist approved and Dr. Shah blanketed at AIHC Delegates on 12/3/24

Roundtable #2 Recap

- **Summary of Roundtable #2**
 - DOH Data Systems Review with Senior Tribal Epidemiologist
 - Final review of TDSA template and Data Use Form
- **Discuss goals of consultation: Agreement that this is an acceptable DOH template to be used as a starting point in negotiations with Tribes interested in entering such a Tribal specific DSA with DOH**

WA-DOH TDSA Template

Utilizing the approved Tribal DSA [checklist](#), prior work on the umbrella DSA and continued refinement, WA-DOH has created a draft TDSA template. We strongly believe, that as public health authorities, a Tribe's access to data is imperative to carrying out their public health authority. This effort is new, we will continue to learn best practices as we implement the DSA, adjust our efforts, and work together to honor tribal data sovereignty principles.





TRIBAL DATA SHARING AGREEMENT CHECKLIST

For use by State and Tribal Nations

Checklist Purpose: This document provides recommended items for Washington State agencies to include when developing their data sharing agreements with Tribal nations.

What is a Tribal Data Sharing Agreement? A Tribal data sharing agreement provides terms and conditions under which a state agency (1) provides a Tribal jurisdiction informed consent on how Tribal data, including sensitive communicable disease data about their Tribe and their Tribal members, are used or shared with third parties; and (2) treats a Tribal jurisdiction as a sovereign government with equitable access to public health data to protect the health and safety of their community members. These agreements should be developed in consultation with Tribal governments. Below is a list of basic components of a Tribal data sharing agreement.

This document was developed in collaboration with representatives from Tribes through the Washington Governor’s Indian Advisory Council Data Sovereignty Committee.

Basic Tribal Data Sharing Agreement Components

- 1. PURPOSE.....2
- 2. DEFINITIONS (Specific to Tribes).....2
- 3. TRIBAL DATA SOVEREIGNTY PRINCIPLES3
- 4. RECOGNITION OF TRIBES AS TRIBAL HEALTH JURISDICTIONS AND PUBLIC HEALTH AUTHORITIES.....6
- 5. OWNERSHIP OF DATA.....6
- 6. INFORMED CONSENT AND PROTECTION OF A TRIBE’S DATA AND INFORMATION7
- 7. ACCESS TO STATE AGENCY DATASETS/DATABASES.....10
- 8. COMPLIANCE WITH DSA11
- APPENDIX A: TRIBAL NATION DATA USE FORM11

WA-DOH TDSA Template

Checklist	Template
Purpose	Sections 1, 4, 5, 6, 10
Principles 1-8	Section 1. A and B, 10, 13
THJ/PHA	Section 3.
Ownership	Section 4.
Informed Consent	Section 5.
Access	Section 6.
Compliance	Section 17.
Data Use Form	Section 5. A; Appendix E

Tribal Nation Data Use Form

The intent of the data use form is to provide information to [TRIBE] to process the data request. [TRIBE] may require additional information from the Department of Health Contact to determine if the form will be approved.

PART 1 – To be completed by Department of Health (DOH)

I. DOH Contact

Name: Title:
Program: Department:
Email: Phone:

II. DATA USE APPROVAL REQUEST OR TYPE OF NOTIFICATION

Is DOH requesting [TRIBE] approval to use the Tribal Nation's data? Or is DOH notifying the Tribal Nation of an exception use that is exempt from prior express written permission under Section 5E of the Tribal Data Sharing Agreement Between State of Washington Department of Health and [TRIBE]?

Data Use Approval Request (If this is an approval request, skip to Description of Data Use Request or Exempted Data Use Notification)

Notification of Exceptions – Exempted Data Use

Tribal Data Use Form Exceptions: Please specify the type of exempted use this notification qualifies for.

A request under the Public Records Act (RCW 42.56.520).

A WA State or federal statute or regulation prohibits or limits DOH compliance with Section 5 of the Tribal Data Sharing Agreement between State of Washington Department of Health and [TRIBE].

A compulsory legal process, court order, a settlement, or a consent decree prohibits or limits DOH compliance with Section 5 of the Tribal Data Sharing Agreement between State of Washington Department of Health and [TRIBE].

A contract, cooperative agreement, or grant agreement that predates this agreement that prohibits or limits DOH compliance with Section 5 of the Tribal Data Sharing Agreement between State of Washington Department of Health and [TRIBE].

Sharing with a state agency, federal agency, local health jurisdiction, or Tribe when DOH receives notification that a Tribal citizen or American Indian or Alaska Native individual is suspected of having been exposed or having exposed other persons, or has been diagnosed with a notifiable condition listed under WAC 246-101-101 within that agency's jurisdiction, a local health jurisdiction, or Tribal jurisdiction in alignment with current public health tribal/local/state practice.

Data Use Form

The data use form is a mechanism for DOH to respect Tribal data sovereignty and meaningfully partner with Tribes on the use of their data.

Appendix E in [Draft TDSA Template](#)

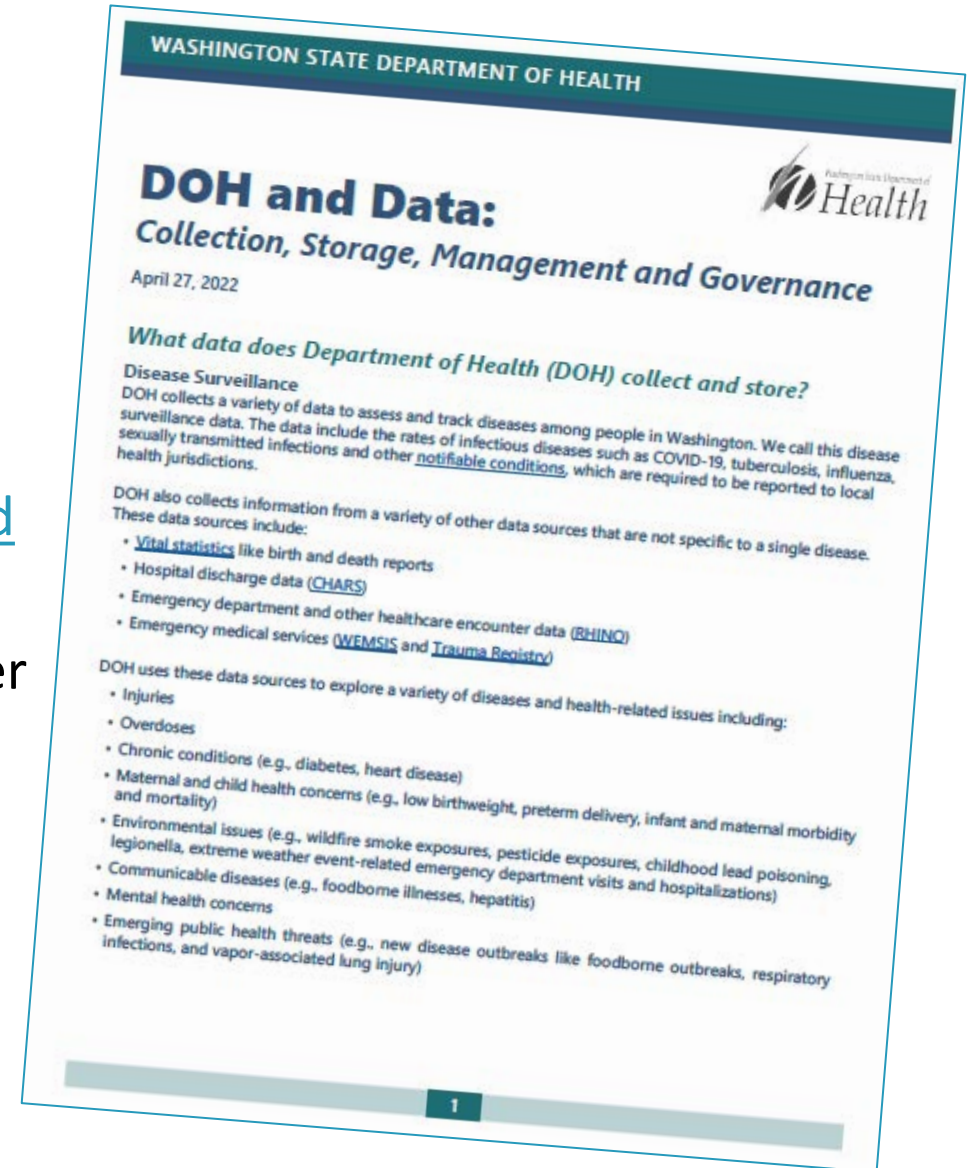
DOH Resources

❖ WA DOH Data Systems Website:

[Data Systems | Washington State Department of Health](#)

❖ [DOH and Data: Collection, Storage, Management, and Governance Fact Sheet](#)

❖ Additional resources coming soon through the Partner Hub



Consultation Summary

Meeting Type	Date and Time	Link
DTLL	Consultation DTLL sent December 9, 2024	https://doh.wa.gov/sites/default/files/2024-12/DTLL-DataSharingAgreement.pdf
Roundtable #1	Thursday, December 12 th , 2024 from 2 pm – 3:30 pm	847-9211-8164 Passcode: 085267
Roundtable #2	Thursday, December 19 th , 2024 from 2 pm – 3:30 pm	824-0953-7124 Passcode: 000133
Consultation	Thursday, January 9th, 2025 2 pm – 3:30 pm	842 0394 4304 Passcode: 130674

For additional information, please contact Amanda Tjemslund, Senior Tribal Epidemiologist, Office of Health and Science, at amanda.tjemslund@doh.wa.gov or 360-995-3324, or Candice Wilson, Executive Director, Office of Tribal Public Health and Relations (OTPHR), at candice.wilson@doh.wa.gov or 360-819-7626.

Next Steps : Consultation Closeout

1. Agreement to close [consultation](#)
2. Consultation response survey to Tribal leaders, partners, and professionals will be open from January 9, 2025 – January 24, 2025
3. DOH will send a DTLL once consultation closes

DOH TRIBAL CONSULTATION RESPONSE



Responses will be collected from
January 9, 2025 – January 24, 2025

WA DOH CONSULTATION
TRIBAL DATA SHARING AGREEMENT
<https://forms.office.com/g/ByYHwLEHzs>

DOH TRIBAL CONSULTATION RESPONSE

WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)

Dear Tribal Leader Letter: Consultation - Tribal Data Sharing Agreement (TDSA)

Dear Tribal Leader Letter (DTLL) sent out on 12/9/24

<https://doh.wa.gov/sites/default/files/2024-12/DTLL-DataSharingAgreement.pdf>

WA DOH Consultation & Collaboration Procedure

<https://doh.wa.gov/sites/default/files/legacy/Documents/1200//DOHConsultationCollaborationProcedure.pdf>

Consultation Party Response Form - Appendix B

Tribal response form by [date at least 10 days from receipt of this letter/consultation].

Name of Action or Policy: Tribal Data Sharing Agreement

We welcome written/email/letter correspondence, or this form response, COMMENTS will be open for 10 working days after Consultation - closing on Thursday, January 23, 2025.

**Closing Date Extended to
Friday January 24, 2025**

1. First & Last Name

Enter your answer

2. Tribal Representation*

(If other, please describe your role - *authorized representative)

- Tribal Leader*
- Tribal Delegate*
- Tribal Representative
- Tribal Organization Representative
- Other



<https://forms.office.com/g/ByYHwLEHzs>

DOH TRIBAL CONSULTATION RESPONSE



WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)

Section 2/4

3. **Tribal Data Sharing Agreement:** WA-DOH has created a draft TDSA template. We strongly believe, that as public health authorities, a Tribe's access to data is imperative to carrying out their public health authority. This effort is new, we will continue to learn best practices as we implement the DSA, adjust our efforts, and work together to honor tribal data sovereignty principles.

- Approve the WA DOH Tribal DSA
- Do not approve the WA DOH Tribal DSA
- Other

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<https://forms.office.com/g/ByYHwLEHzs>

WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)

Section 3/4

4. Response to this request for consultation:

- Thank you for the information and initiation letter; however, we do not need to consult any further on this issue.
- We do not have a comment or concern at this time, although we request continued notification regarding this issue.
- We wish to consult on this issue at the time and location referenced in DTLL.
- We wish to consult on this issue at an alternate time and location referenced in the DTLL. Please contact us at the number listed below to schedule this time.

5. Signature of Individual completing form:

Enter your answer

6. Date:

Enter your answer

7. Your Email:

Enter your answer



<https://forms.office.com/g/ByYHwLEHzs>

WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)

Section 3/4

4. Response to this request for consultation:

8. *Has there been a change to your authorized representative?*

If so, whom should we contact about this issue if you are interested in further discussing this issue or receiving additional information? Please provide, Name, Phone Number, and Email/Fax Number:

Enter your answer

9. We honor and appreciate your time and consideration, we will continue to learn best practices as we implement the Tribal DSA, adjust our efforts, and work together to honor tribal data sovereignty principles.

Once again, we welcome write/email/letter correspondence, and/or submission of this form response. COMMENTS will be open for 10 working days after the date of this Consultation - closing on Thursday, January 23, 2025.

This concludes WA DOH Consultation response.

Please proceed to the next page to submit your response, thank you!

Enter your answer

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WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)

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WA DOH Office of Tribal Public Health & Relations
OTPHR@doh.wa.gov

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Submit

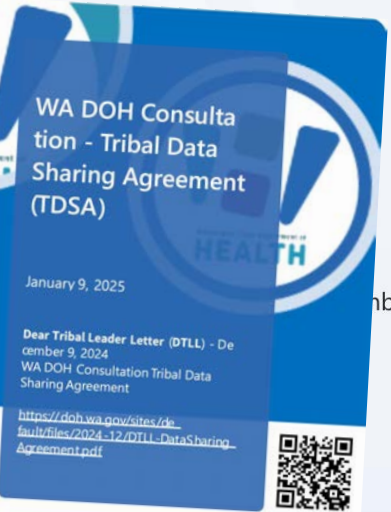
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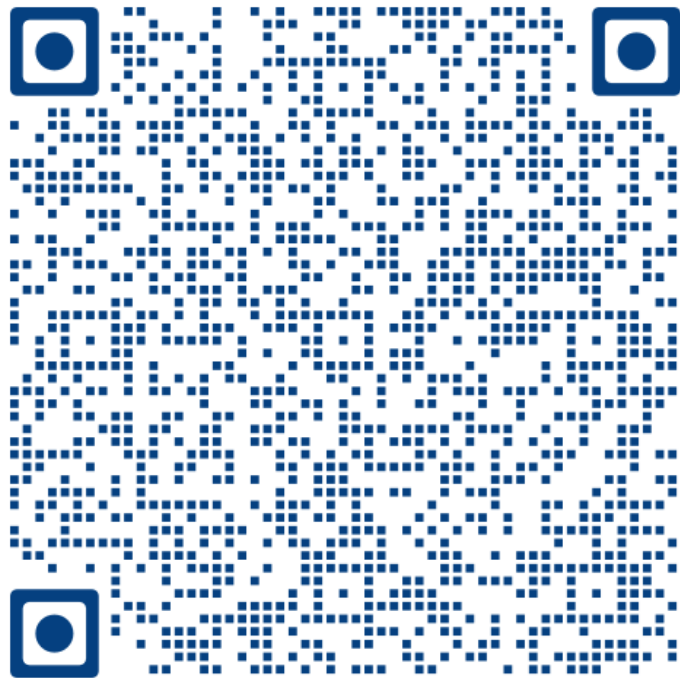
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number list-



Office of Tribal Public Health and Relations



OTPHR



Washington State Department of

HEALTH

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WA DOH Consultation - Tribal Data Sharing Agreement (TDSA)



To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.