



Tool J: Common Components of a Data-Sharing Agreement

Data sharing agreements explicitly address all or many the following components:

THE PARTNERS TO THE AGREEMENT. Their legal entity names, which may not be the same as the operating names of the entities you see reflected on their business cards.

THE PURPOSE OF THE AGREEMENT. The agency with responsibility for the data needs to understand your intent, which will ensure that you have a legitimate reason to gain access to the data. This is usually a broad statement of the purpose for which you will use the data.

A DETAILED DESCRIPTION OF THE DATA BEING SHARED. Sometimes the agreement provides a brief description in the early sections and an extended description in the tools.

A GRANT OF LICENSE. Here, the agency with responsibility for the data is authorizing you to use the data in certain ways and prohibiting you from using them in others. (Think of a movie rental license, which allows you to view the movie privately, rather than showing it in public for a fee.) The consequences of violating this license can be severe.

THE LENGTH OF THE TERM OF THE LICENSE to hold and use the data.

A DESCRIPTION OF WHAT YOU WILL DO WITH THE DATA. This description can be many sections long. It should include statements about how you will protect the data, with whom and under what circumstances you may share the data, etc.

A DESCRIPTION OF THE CONDITIONS UNDER WHICH THE AGREEMENT CAN BE TERMINATED, AND WHAT MUST HAPPEN WHEN THE CONTRACT IS TERMINATED. Agreements will specify policies for termination before the planned end of the agreement or after the agreement expires. Agreements that include unit records with private student information will almost always include requirements the data be destroyed within a certain period after termination.

OTHER INFORMATION. Most agreements include other information, like definitions of terms used in the agreement and additional boilerplate legal details.