

CMS Disclaimer–User Agreement Non-Identifiable Files

The Centers for Medicare & Medicaid Services (CMS) makes certain Non-Identifiable Data Files available for order. Non-Identifiable Data Files do not contain any protected health information (PHI) or personally identifiable information (PII). As a result, CMS has not set any restrictions on who may purchase these files and does not require requestors to sign a Data Use Agreement.

This disclaimer–user agreement details the sources and nature of the data, including potential limitations, and specifies the responsibility of the data user in regard to the processing and understanding of the data files. In addition to this disclaimer–user agreement, users should also read the documentation files for each of the Non-Identifiable Files.

Timeframes for data delivery: CMS will make every effort to process requests in a timely manner, but cannot guarantee that resources are available to meet any timeframe.

Data accuracy: CMS public data files are derived from data that are used by the agency for operational purposes. CMS does not guarantee 100 percent accuracy of all records and all fields. Data fields not used for agency functions may contain incorrect or incomplete data. Users should become familiar with the specific Non-Identifiable File webpage and the record layout, before conducting any analyses with the data.

Data integrity: It is the responsibility of each user to identify the information needed to satisfy the user’s needs. Any alteration of the original data, including conversion to other media or other data formats is the responsibility of the user. Data that have been manipulated or reprocessed by the user is the responsibility of the user. The user may not present or otherwise reference data that have been altered in any way as CMS data. CMS has no responsibility for the data after it has been converted, processed or otherwise altered. CMS has no responsibility for assisting users with converting the data to another format.

Privacy protection: CMS is obligated by the Privacy Act, 5 U.S.C. Section. 552a and the HIPAA Privacy Rule, 45 C.F.R Parts 160 and 164, to protect the privacy of individual beneficiaries. Any non-identifiable files developed from individual beneficiary data only contain aggregated data that does not allow direct identification of individuals. Any attempt to re-identify individuals through any mechanism is prohibited.