CalHHS Data Exchange Framework Policy and Procedure

Subject: Process for Amending the DSA	
Status: Final	Policy: OPP-1
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I.   Purpose

The Governance Entity has responsibility for overseeing the implementation and operation of the California Health and Human Services Data Exchange Framework ("Data Exchange Framework"). The Data Exchange Framework includes the Data Sharing Agreement (the "DSA"), which is executed by all of the Participants in the Data Exchange Framework. The Governance Entity has responsibility for managing amendments to the DSA. The purpose of this policy is to set forth the process by which the Governance Entity will fulfill this responsibility.

II.   Policy

The Governance Entity shall follow the process set forth in this policy in order to amend the DSA. An amendment to the DSA shall be effective only if implemented as provided in this policy.

This policy shall be effective as of January 31, 2024.

III.   Procedures

1.   **RETENTION AND DISSEMINATION OF THE DSA**

a.   The Governance Entity shall maintain the DSA in a publicly accessible location and shall maintain all original, executed copies of the DSA. In addition, the Governance Entity shall maintain a list of the current and prior Participants, as well as a list of individuals and entities that are required to execute the DSA but have not yet done so, in a publicly accessible location. The current version of the DSA as well as originals of all previous versions shall be maintained for the duration of their usefulness as determined by the Governance Entity.

2.   **SUBMISSION OF PROPOSED AMENDMENTS TO THE DSA**

a.   Any member of the Governance Entity, Participant or any other stakeholder that the Governance Entity deems appropriate may submit in writing to the Governance Entity a request for an amendment to the DSA. Additionally, the Governance Entity may, at its discretion, solicit requests for amendments to the DSA from all Participants and other interested stakeholders. All requests for proposed amendments shall identify the section of the DSA that is the subject of the requested amendment (if any) and shall provide (i) a thorough description of why the requested amendment is necessary, (ii) the proposed language for the requested amendment and (iii) an analysis of the expected impact of the requested amendment.

3.   **CONSIDERATION OF PROPOSED AMENDMENTS TO THE DSA**

a.   The Governance Entity shall define criteria for which requests for proposed amendments merit additional consideration.

b.   If a request for a proposed amendment satisfies the criteria established by the Governance Entity, the Governance Entity will forward such request to legal counsel for an initial legal review. Following this initial legal review, a task force established by the Governance Entity

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shall, in consultation with local partners and a stakeholder advisory group appointed by the Secretary of California Health and Human Services, determine how to address the request.

c.　　Prior to approving any amendments to the DSA, the task force shall solicit and consider comments from the Participants on the new, amended, repealed or replaced provisions of the DSA. To promote openness and transparency, the task force shall post proposed changes to the DSA to a publicly accessible location.

d.　　Following the task force's approval of the amendment to the DSA, the Participants shall be given at least forty-five (45) calendar days to review the approved amendment and register an objection if a Participant believes the amendment will have a significant adverse operational or financial impact on the Participant. Such objection shall be submitted to the Governance Entity and contain a summary of the Participant's reasons for the objection.

e.　　If the task group's recommendation is that the DSA should not be amended and the Governance Entity approves such a recommendation, the Governance Entity will inform the requestor of its determination in a written explanation.

4.　　**IMPLEMENTATION OF PROPOSED AMENDMENTS TO THE DSA**

a.　　If the task group's recommendation is to amend the DSA and the Governance Entity approves such a recommendation, the Governance Entity will circulate the amendment to all of the Participants for signature at one hundred and eighty (180) calendar days prior to the effective date of the amendment, except in the event that a shorter time period is necessary in order to comply with Applicable Law. When the Governance Entity circulates the amendment for signature, the Governance Entity will also provide Participants with the following information:

i.　　A reasonably comprehensive statement as to the reasons for the amendment and any foreseeable impact of the change;

ii.　　A statement regarding whether the amendment is necessary in order for the Data Exchange Framework, the Governance Entity or Participants to comply with Applicable Law;

iii.　　The effective date of the amendment; and

iv.　　A time period for the Participants to execute the proposed amendment.

IV.　**Definitions**

All other capitalized terms not defined herein shall have the same meaning as set forth in the DSA.

V.　**References**

VI.　**Related Policies and Procedures**

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VII.   Version History

	Date	Author	Comment
	July 1, 2022	CalHHS CDII	Final