AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTIONS: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed
collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS’ Web Site address at Web Site address at:

   https://www.cms.gov/Regulations-and-
   Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA)
(44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management
and Budget (OMB) for each collection of information they conduct or sponsor. The term
“collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes
agency requests or requirements that members of the public submit reports, keep records, or
provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C.
3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the Federal Register
concerning each proposed collection of information, including each proposed extension or
reinstatement of an existing collection of information, before submitting the collection to OMB
for approval. To comply with this requirement, CMS is publishing this notice that summarizes
the following proposed collection(s) of information for public comment:

1. Type of Information Collection Request: New collection (Request for a new OMB
control number); Title of Information Collection: Data Management Plan Self-Attestation
Questionnaire (DMP SAQ); Use: The Privacy Act of 1974 allows for discretionary releases of
data maintained in Privacy Act protected systems of records under §552a(b) (Conditions of
Disclosure). The mandate to account for disclosures of data under the Privacy Act is found at
§552a(c)(Accounting of Certain Disclosures). This section states that certain information must be
maintained regarding disclosures made by each agency. This information is: Date, Nature,
Purpose, and Name/Address of Recipient. Section 552a(e) sets the overall Agency Requirements
that each agency must meet in order to maintain records under the Privacy Act. The Data Use
Agreement (DUA) form is needed as part of the review of each CMS data request to ensure compliance with the requirements of the Privacy Act for disclosures that contain PII.

The DUA legally binds the user to the Agreement's terms. The user must agree to all the terms and sign off on them prior to the release or access to data files containing protected health information, and individual identifiers. The DMP SAQ is a technical, evidence-based questionnaire that DUA users must complete as part of the data request packet. The DMP SAQ will enable CMS to evaluate researcher data systems to ensure that CMS data are adequately secured and appropriately protected, as per the Privacy Act and the HIPAA Privacy Rule. The DMP SAQ also allows CMS to measure compliance through the implementation of security and privacy controls as outlined in the National Institute of Standards and Technology (NIST) Special Publication 800-53 and the Centers for Medicare & Medicaid Services (CMS) Information Security and Acceptable Risk Safeguards (ARS). The second component of the DMP SAQ is to provide ongoing oversight. All organizations will be subject to routine audits of the environments used to store and process CMS data, as described in their organizational-level DMP SAQ.  

Form Number: CMS-10733 (OMB control number: 0938-New); Frequency: Annually; Affected Public: Private Sector, State, Local, or Tribal Governments, Federal Government, Business or other for-profits, Not-for-profits institutions; Number of Respondents: 1,000; Total Annual Responses: 1,000; Total Annual Hours: 1,500.  (For policy questions regarding this collection contact James Krometis at 410-786-0340.)


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4120-01-U-P