



# WA DOH Tribal DSA Template Consultation Closure

MARCH 2025

## DOH's Responsibilities to Uphold Tribal Data Sovereignty

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### Centennial Accord

- Established on August 4, 1989, created a government-to-government relationship framework between Washington State and 29 federally recognized tribes. (Governor's Office of Indian Affairs)

### Millennium Agreement

- Signed on November 4, 1999, to implement terms of the Centennial Accord on a day-to-day basis.

### Chapter 43.376 RCW

- Mandates DOH to uphold Tribal sovereignty, acknowledging Tribes' authority to govern and exist independently while respecting Tribal values and culture.



# 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.

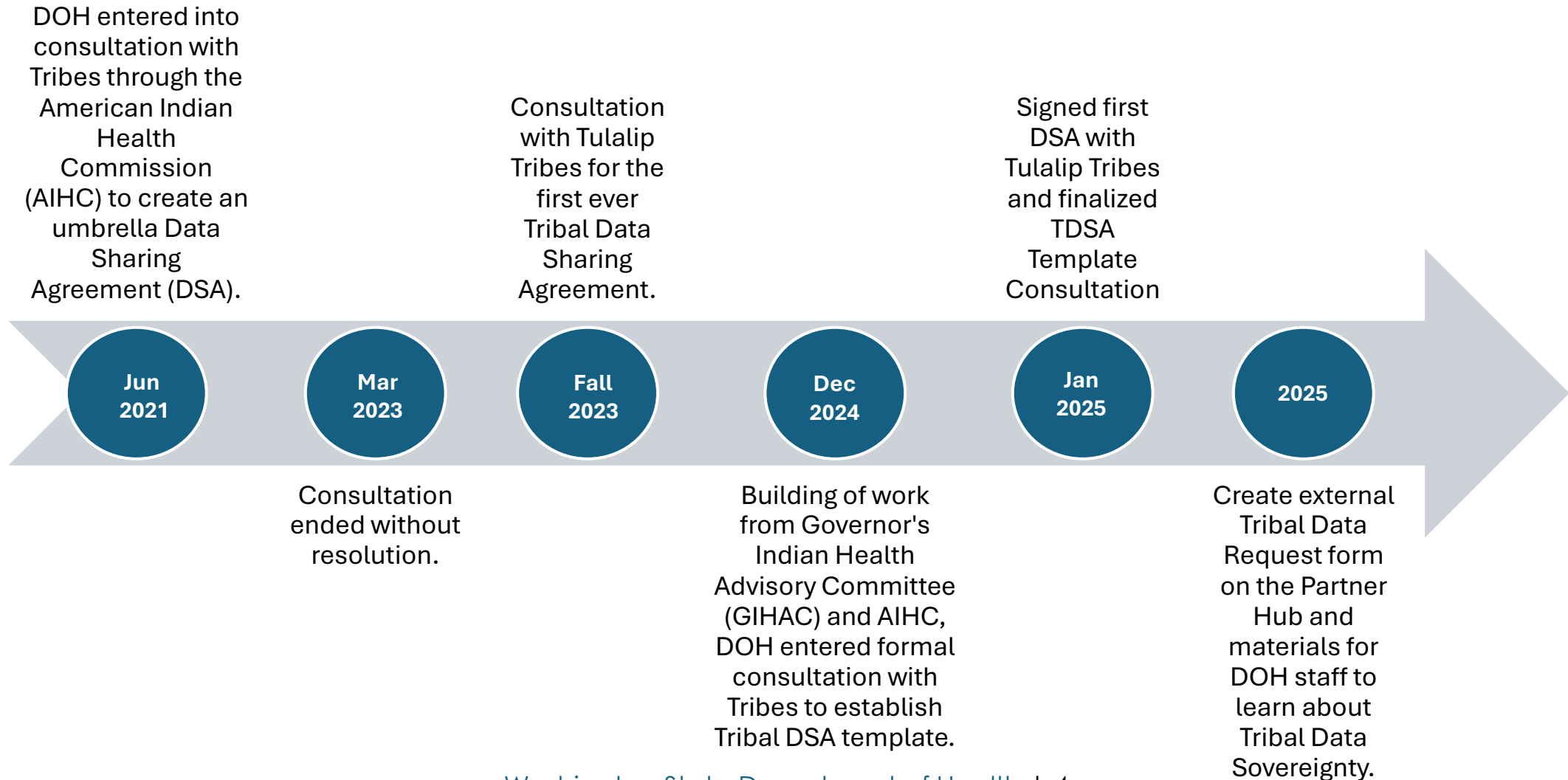
A TDSA is a data sharing agreement (DSA) with a Tribal Nation that goes beyond WA-DOH's standard DSA to acknowledge Tribal sovereignty. The TDSA identifies the Tribal Nation as an owner of the Tribal data that DOH holds, creating a mechanism for the Tribal Nation to govern the use of their data, and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

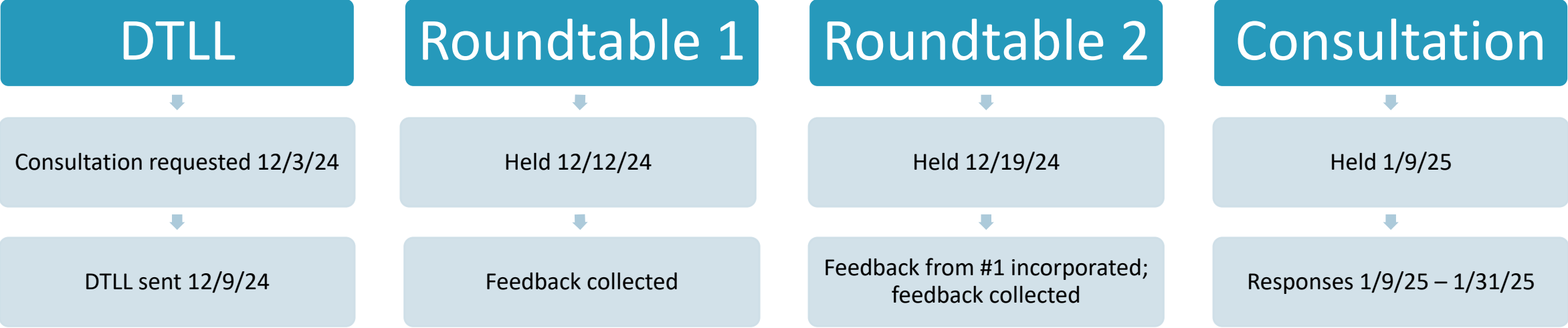
With GIHAC's vote on December 3, 2024, it was requested that we move into consultation for the finalization of a WA-DOH TDSA template based on GIHAC's work. We invite you to join us for the following dates and times:

Meeting Type	Date and Time	Zoom Information
Roundtable #1	Thursday, December 12 <sup>th</sup> , 2024 from 2 pm – 3:30 pm	847 9211 8164 Passcode: 085267
Roundtable #2	Thursday, December 19 <sup>th</sup> , 2024 from 2 pm – 3:30 pm	824 0953 7124 Passcode: 000133
Consultation	Thursday, January 9 <sup>th</sup> , 2025 from 2 pm – 3:30 pm	842 0394 4304 Passcode: 130674

# Steps DOH has taken to Ensure Access to Tribal Data



# TDSA Template Consultation Process



Since end of January, DOH has completed final approval procedures of template with the DOH Security and Privacy Offices, developed external website for Tribes to initiate TDSA negotiations, and prepared final consultation closeout materials.



# Consultation Recap

- Reviewed side-by-side of the draft DOH TDSA template with the GIHAC approved data sovereignty principles and checklist.
- Incorporated Tribal input and finalized template language
- Created a [one pager](#) summary of consultation
- After consultation, sent out survey for Tribal approval of template and close out consideration
- See attendee list in appendix



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



# 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

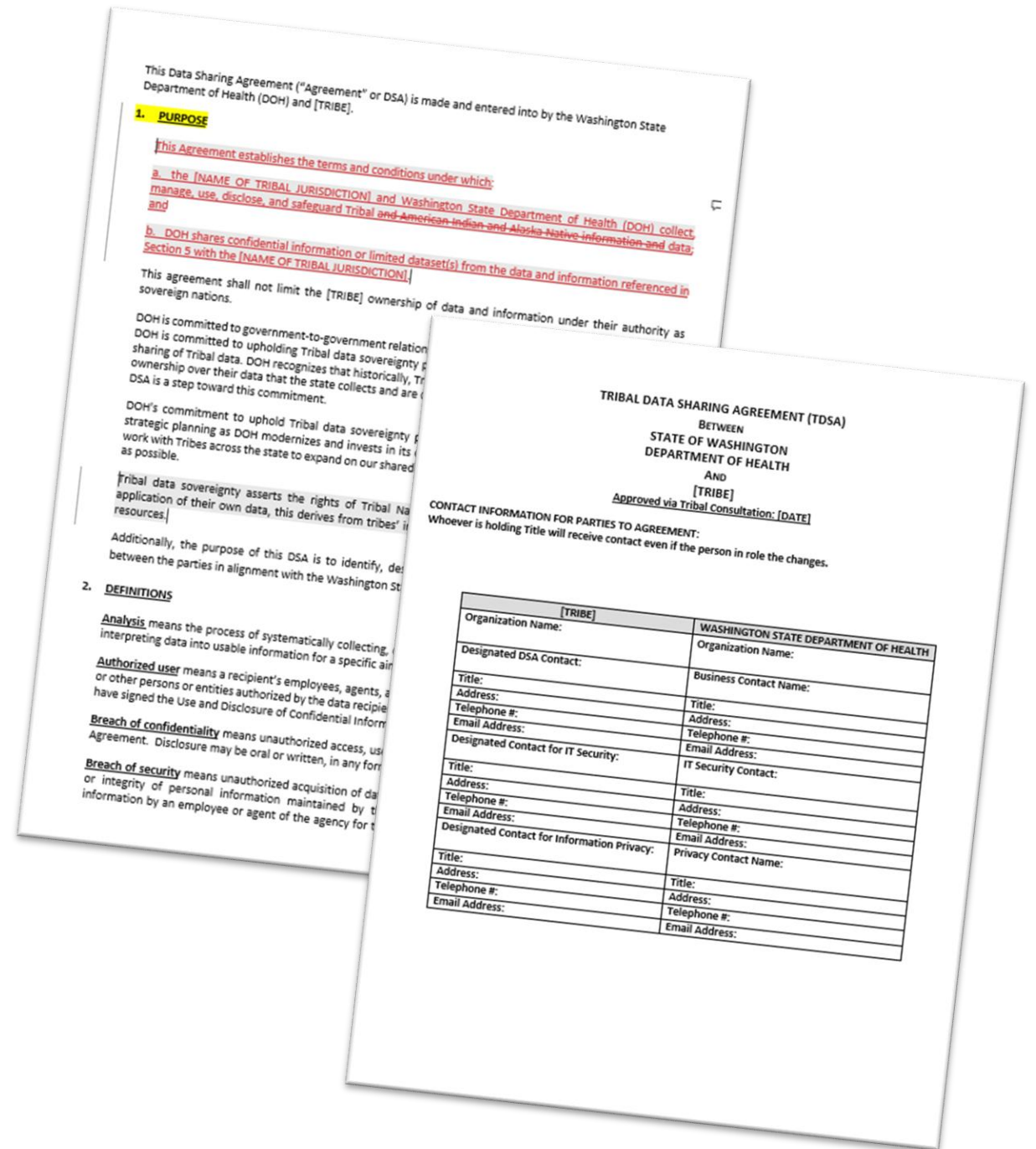
- 1. PURPOSE.....2
- 2. DEFINITIONS (Specific to Tribes).....2
- 3. TRIBAL DATA SOVEREIGNTY PRINCIPLES .....3
- 4. RECOGNITION OF TRIBES AS TRIBAL HEALTH JURISDICTIONS AND PUBLIC HEALTH AUTHORITIES.....6
- 5. OWNERSHIP OF DATA.....6
- 6. INFORMED CONSENT AND PROTECTION OF A TRIBE’S DATA AND INFORMATION .....7
- 7. ACCESS TO STATE AGENCY DATASETS/DATABASES.....10
- 8. COMPLIANCE WITH DSA .....11
- APPENDIX A: TRIBAL NATION DATA USE FORM .....11

## WA-DOH TDSA Template guided by GIHAC checklist

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

# 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.





# Template Revisions Summary

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## Revisions during consultation:

- Section 1(a). Safeguarding Tribal data (striking AI/AN as too broad)
- Section 5. Deleted superfluous language at end of first paragraph
- NEW Section (Section 27). Non Waiver of Sovereign Immunity

## Other administrative revisions for final version:

- Added cover page
- Section 5(b). Updated language to reflect when DSA updates began (triggered by the first TDSA)
- Section 6. Fixed typo of GIHAC (from committee to council)
- Section 10. Fixed security and safeguards from OCIO to WaTech
- Section 16. Added the specific WAC reference sections
- Section 18. Edited from “first such agreement” to “new type of DSA” since we’ve already completed the first ever and we want the template to be more broad

## 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](#)

# Consultation Closure and Next Steps

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1. See attached consultation close out DTLL
2. DTLL outlines process for Tribes to learn more about the TDSA template
3. Review the final TDSA Template [HERE](#)
4. Upon this official closure of the TDSA Template consultation;
5. Tribes may initiate negotiations on your Tribe-specific TDSA using the [TDSA Template](#) as a starting point
6. Once your Tribe completes your TDSA, there will be ongoing implementation meetings to provide access to requested data systems, as well as technical assistance and support



# How to Initiate TDSA Process for your Tribe

1. To initiate this process for a Tribal Data Sharing Agreement with WA-DOH please visit the [Tribal Data Hub](#)
  - a) If you don't already have access to the hub, you'll click the button that says "request access" or email [partnerhub@doh.wa.gov](mailto:partnerhub@doh.wa.gov)
  - b) Complete the External Tribal Data Request Form
2. Or email the Tribal Data Team at DOH at [tribaldata@doh.wa.gov](mailto:tribaldata@doh.wa.gov)

The screenshot shows the Tribal Data Hub website. The main content area has a dark orange background with white text. It features a welcome message, a description of the hub's purpose, and a list of goals. A 'Quick links' sidebar on the right contains five buttons with icons and text: 'Data Resources for Tribal Public Health Partners', 'External Data Request Form for Tribes', 'Progress Tracker for External Data Request Form for Tribes', 'Tribal Health Resources', and 'Office of Health and Science Org Chart'. At the bottom of the main content area, there is a blue bar and a light blue bar with a cloud icon.

Welcome to the Tribal Data Hub!

The Tribal Data Hub includes resources, data request forms, technical assistance, and training to support Tribes in accessing and using Department of Health held data. A key priority for the Department of Health is to co-create robust data sharing capabilities and systems with local health jurisdictions, with Tribes honoring Tribal data sovereignty, and other partners to support better detection, understanding, and addressing of the burden of disease and health inequities.

The Tribal Data Hub is designed to:

1. Create a more streamlined way for Tribes to request access to data from the Department of Health.
2. Provide a space for trainings, webinars, and technical assistance on Department of Health held data and Tribal data sharing agreements.
3. Connect Tribal partners with staff and resources related to their data work.

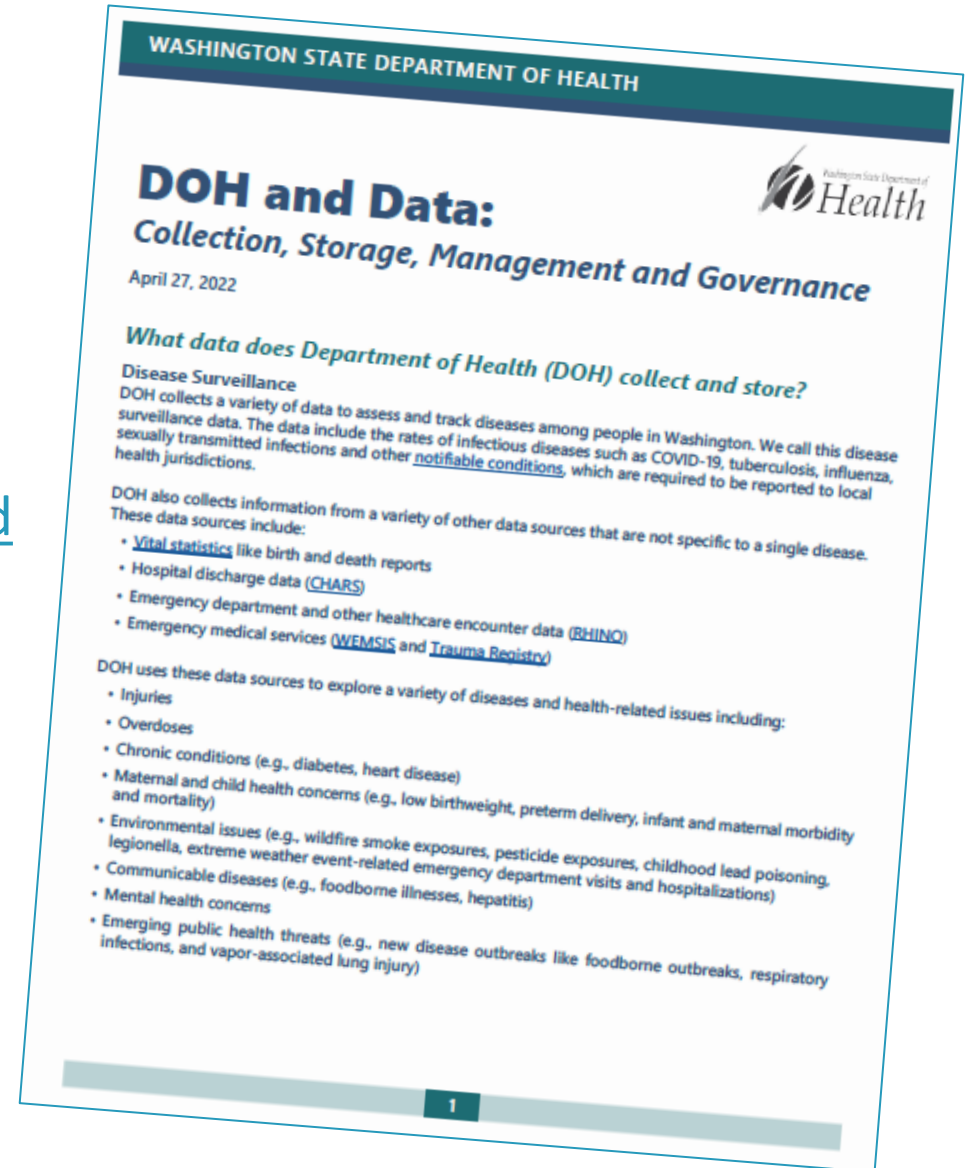
This site is a work in progress. As a result, you will find some information under development or in draft form. Should you have any questions or suggestions, please contact the Tribal Data Team at [tribaldata@doh.wa.gov](mailto:tribaldata@doh.wa.gov)

Quick links

- Data Resources for Tribal Public Health Partners
- External Data Request Form for Tribes
- Progress Tracker for External Data Request Form for Tribes
- Tribal Health Resources
- Office of Health and Science Org Chart
- Contact Tribal Data Team

# More 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 on the [Tribal Data Hub](#)
  - ∇ Need access to the DOH Partner Hub to access



# Ongoing Commitment at DOH

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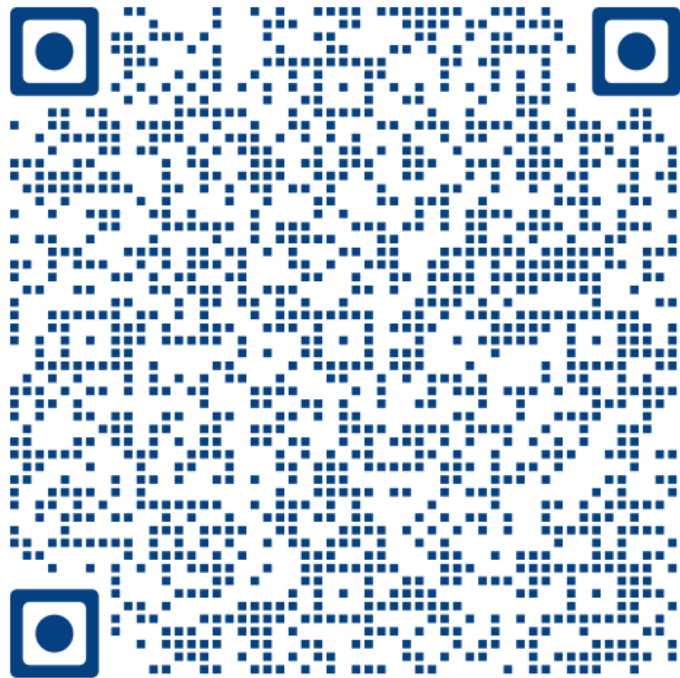
1. The TDSA implementation team is developing and implementing a series of trainings for DOH staff on tribal data sovereignty, DOH's role in tribal data sovereignty, and processes and procedures
2. DOH is committed to ensuring access of Tribal data to Tribes, raising awareness about Tribal data sovereignty, transforming DOH data systems to be more inclusive of Tribes, and developing Tribal data policies and best practices.
3. DOH is committed to ongoing data modernization efforts and engaging with Tribes throughout the data life cycle



# Still have questions?

1. Contact the Tribal Data Team at DOH at [tribaldata@doh.wa.gov](mailto:tribaldata@doh.wa.gov)
2. Contact Amanda Tjemsland, Senior Tribal Epidemiologist, Office of Health and Science, WA-DOH, [amanda.Tjemsland@doh.wa.gov](mailto:amanda.Tjemsland@doh.wa.gov)

# Office of Tribal Public Health and Relations



OTPHR



Washington State Department of  
**HEALTH**

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# Appendix: Attendees

TDSA Consultation	Tribal Leadership or Delegate Attendees	Tribal Org or other Partner Attendees
Roundtable 1 12/12/24	Summer Hammons, Tulalip Tribes Sarah Sullivan, Swinomish Tribe	Vicki Lowe, Jessica McKee, Faith Turk, Laura Kluever, AIHC Hilary Edwards, Sujata Joshi, NPAIHB Victoria Warren Means, NWTEC Charlene Abrahamson, Leah Muasau, DSHS
Roundtable 2 12/19/24	Summer Hammons, Tulalip Tribes Sarah Sullivan, Swinomish Tribe Raylene Ensminger, Colville Tribe Jovan Salzar, Chehalis Tribe Desiree White, Skokomish Tribe	Hilary Edwards, Sujata Joshi, Sunny Stone, NPAIHB Vicki Lowe, Laura Kleuver, Jessica McKee, AIHC Andrew Guillen, SIHB
Consultation 1/9/25	Councilwoman Tia Skerbeck, Lower Elwha Joni Wynecoop, Spokane Tribe Tam Lutz, Lummi Nation	Sunny Stone and Sujata Josh, NPAIHB Victoria Warren Means, NWTEC Jessica McKee, Lisa Rey Thomas, AIHC Lucilla Mendoza, HCA Tim Collins, Sher Stech, DSHS