

CMS Disclaimer—User Agreement
Public Use Data
April 2004

The Center for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare, Medicaid and State Children's Health Insurance Programs. Our agency resources, including staff and computing resources, are primarily dedicated to agency operations. The agency is committed to providing program information and data to the public to the fullest extent possible after agency mission needs have been met.

The increase in CMS mission responsibilities created by the Medicare Drug Improvement and Modernization Act (MMA) has further strained our staffing and computing resources. This disclaimer details the restrictions on CMS services in supporting data requests so that the requestor can plan their projects accordingly. It also specifies the responsibility of the data user and of CMS in regard to the delivery, processing, and understanding of the data files.

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

Data accuracy: CMS public data is derived from data that is used by the agency for operational purposes. CMS does not insure 100% accuracy of all records and all fields. Some data fields that are not used for agency functions may contain incorrect or incomplete data. CMS publishes data limitations for their statistical data sources on the internet. Users must familiarize themselves with the data limitations documents and accept the quality of the data they receive.

Data integrity: CMS will ensure that requestors receive the data they ordered. It is the responsibility of each user to identify the information needed to satisfy your needs. Any alteration of the original data, including conversion to other media or other data formats, is the responsibility of the requestor. Data that has been manipulated or reprocessed by the user is the responsibility of the user. The user may not present data that has 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 federal 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 and other persons. Public data files consist of aggregated data that do not permit direct identification of individuals. By signing this agreement, the user agrees not to use CMS public use data to determine the identity of individual persons. Attempting to determine individual identities from public data is a violation of the federal Privacy Act, 5 U.S.C and the HIPAA Privacy Rule.