

VAMHCS RESEARCH SERVICE BULLETIN

June 9, 2009

- **No research data may be destroyed until further notice!**
- **Investigators must review “destruction of data” language on HIPAA authorizations.**

The VA has recently issued a communication stating that no research data may be destroyed until further notice.

Federal documents can only be destroyed according to an approved policy (“Records Control Schedule” [RCS]). The VA has recently discovered that no RCS exists for VA research documents.

The VA is currently working on a RCS for research records. However, in the meantime, you may not destroy any research records. Instead, if you reach the time point for destruction of data stated in your research protocol, you must sequester the records so that they are not accessed or used until a RCS has been approved.

Potential impact on your studies:

1. It is possible that your protocols, BRAAN submissions or CICERO submissions state a time when records will be destroyed. For example, “at the end of the study”, “five years after the study has been closed”, etc.
2. It is possible that your HIPAA authorizations may contain language as in #1.

The Research Service has been in contact with VA Central Office and with the HRPO on this matter. Our first step is to see whether investigators have used HIPAA authorizations that promised participants a specific time point when their data would be destroyed. Once we have this information, we will work with the IRB to determine what further actions, if any, will be necessary.

Going forward,

1. Please complete the attached query and return it to the Office of Research Compliance (Jessica.mendoza@va.gov).

2. Please use the following terminology on HIPAA authorizations:

~~“Your/The data will be destroyed when the maximum retention period is reached as defined in VA policies (Records Control Schedule 10-1).”~~

~~“Your records will be kept indefinitely”~~

3. Please use the following terminology in CICERO, or wherever this question arises for VA research records:

“All data, including the investigator’s research records and any participant identifiers will be retained until the maximum retention period is reached as defined by the Dept. of Veterans Affairs Records Control Schedule (RCS 10-1). When the maximum retention period is reached, the data will be destroyed using the most current electronic data destruction methodologies that are available at the time of data destruction.”

Thank you for your patience with this unexpected development. The Research Service will forward any clarifications from VA or the IRB as soon as we have them.

If you have further questions, please contact:

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