

## L – 23: Contracts

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**POLICY:** See L-23 Contracts Policy at [www.cosdcompliance.org](http://www.cosdcompliance.org).

**DEFINITIONS:** See HHS A Policy L-30.

**PROCEDURES:** HHS A Contracting Officer’s Representatives (CORs) shall:

- A. Complete the Privacy Decision Tree (HHS A Form 23-23) for any:
  1. New and existing contracts, Memorandums of Agreement, Memorandums of Understanding, and Data Use Agreements
  2. Procurements and re-procurements
  3. Any other type of contractual agreements;
- B. Complete a new Decision Tree for any material amendments or change orders;
- C. Modify all applicable contracts and other agreements to include appropriate privacy and security language, as defined by the Decision Tree;
- D. Keep a copy of the Decision Tree in their contract file;
- E. Not make any changes to the Privacy or Security language proscribed by the Decision Tree or use any alternate or additional privacy and security language (such as a Business Associate Agreement from the contractor), unless prior approval is obtained from the Agency Privacy Officer (APO);
- F. Submit all new contracts, MOAs, MOUs, DUAs, procurements, re-procurements, and other type of contractual agreements to the APO for review of privacy language prior to execution.
- G. Provide the Decision Tree to the APO whenever requesting review or approval of a contract or other contractual agreement.
- H. See Compliance Policy 5.1 regarding Article 14 waivers, as applicable.
- I. Complete the Article 14 Monitoring Tool annually and otherwise monitor privacy and security requirements as they would other sections of their contracts.

**QUESTIONS/INFORMATION:** HHS A Privacy Officer at 619-338-2808