

STRENGTHENING PUBLIC HEALTH: Navigating Authority, Data Use, and Legal Resources

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Presenters



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INTRODUCTION

Who Is The Council of State & Territorial Epidemiologists (CSTE)?

Member based organization of over 3,300 members as of 2025

- ***Mission: Advance the field of applied epidemiology to maximize health***
- ***Vision: Thriving and healthy people and communities everywhere***

CSTE works to advance public health policy and increase epidemiologic capacity. We also provide information, education, training, and developmental support of practicing epidemiologists in a range of areas, as well as expertise for program and surveillance efforts.

CSTE is about giving your voice a larger stage to bring all voices together to affect change and to really make a difference

By the end of this session, participants will be able to:

- Explain how shifts in legal and regulatory frameworks affect public health authority.
 - Navigate and apply the CSTE Public Health Law Repository as a resource to support public health decision-making.
- Explain how data governance can enhance data sharing and the ability to respond to emerging challenges.
- Identify when Data Use Agreements (DUAs) are required and discuss common challenges and best practices in their implementation.

Why Authority Matters

- Defines legal scope of public health action
- Legitimizes emergency responses and routine programs
- Sets boundaries between government power & individual rights

Sources of Public Health Authority

- US Constitution – 10th amendment (state police power)
- State Statutes & regulations
- Tribal sovereignty and codes
- Local ordinances (delegated authority)
- Federal statutes (PHSA, Stafford Act)

Shifts in Legal & Regulatory Landscape

- Recent Legislative reforms on emergency powers
- Courts increasingly scrutinize breadth of health orders
- Case involving separation of powers & due process claims
- Preemption Issues: state vs local ordinance
 - *Chevron Deference

Practical Implications for Attorneys

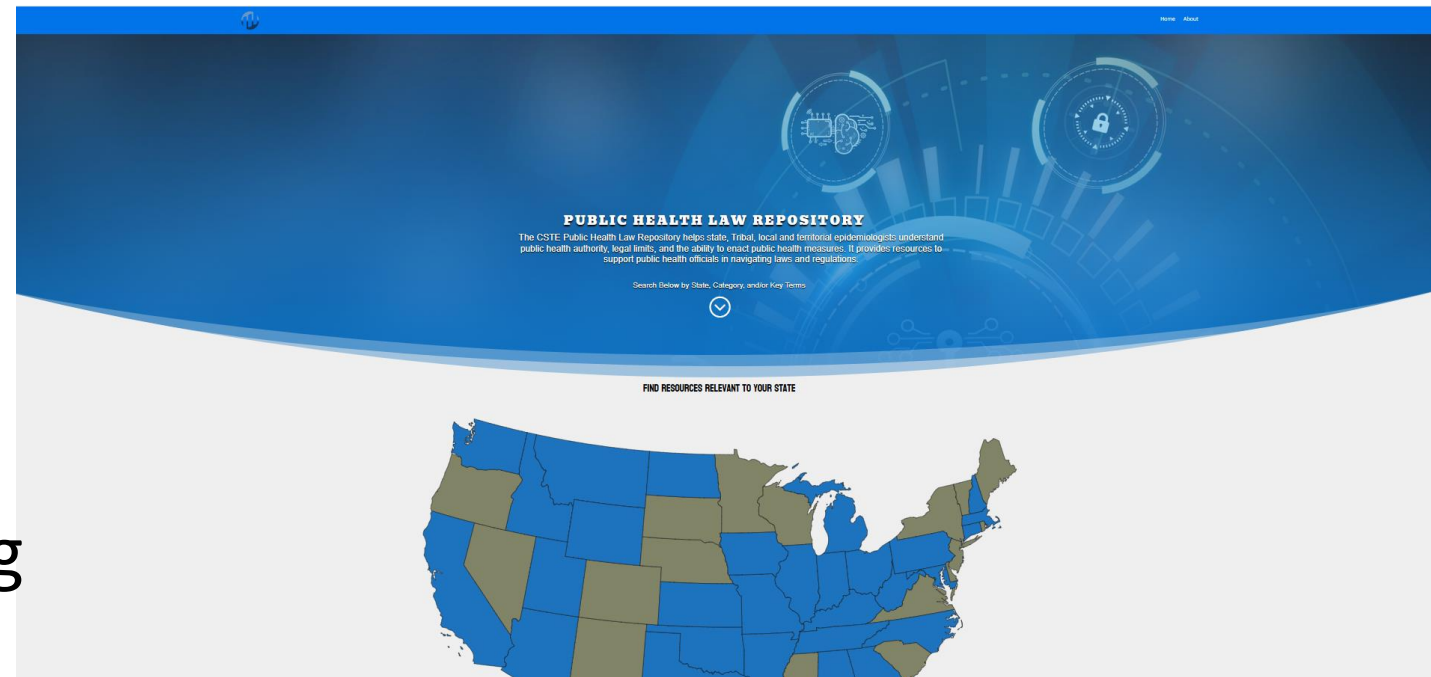
- Anticipating litigation trends
- Advising agencies on scope/limits of authority
 - Epis preparing for legislative hearings
- Building defensible administrative records
- Importance of transparency in authority use

Strategies for STLT Attorney

- Conduct legal mapping of state/local orders
- Strengthen intergovernmental agreements
- Train public health leaders on legal scope & limits
- Develop rapid legal response playbooks for emergencies
- Identify resources for your public health officials

CSTE PUBLIC HEALTH REPOSITORY

- Public Health Authority & Legal Primers
- Tracking Databases
- Tracking Findings & Trends
- Communication & Messaging



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What is Data Governance?

The people, processes, and technology required for data quality, integrity, availability, usability, and security throughout its lifecycle. Can also be referred to as a set of processes that ensures that data assets are formally managed throughout the enterprise.



CSTE Data Governance Workgroup Goals and Objectives



Foster collaboration among epidemiologists, data stewards, and informaticians to strengthen governance and data management practices



Create a centralized resource library housing best practices and tools for data governance and management



Develop a metadata framework that will foster data exchange while ensuring privacy



Guide and inform CSTE consultants on challenges, concerns, and best practices for policy discoverability, usability, and privacy compliance



Discuss solutions for promoting cross jurisdictional data awareness

What is Metadata?

Metadata refers to the information about data that is not typically present within the data itself. It provides essential details about the data's context, including the Who, What, Where, Why, How and When related to the data.

- **Who** sends it, who manages it, and who authorizes access to it
- **What** processes apply to it, what policies apply to it
- **Where** is it stored, where did it come from
- **Why** it is used
- **How** it may be sent, how values are computed
- **When** it might be sent (e.g., the triggers for sending it)

Benefits of Metadata Governance

- Increases confidence in data by providing context and enabling the measurement of data quality
- Increases the value of strategic information by enabling multiple uses
- Improves operational efficiency by identifying redundant data and processes
- Prevents the use of out-of-date or incorrect data
- Reduce data-oriented research time
- Improves communication between data consumers and IT professionals
- Creates accurate impact analysis, thus reducing the risk of project failure
- Improves time to market by reducing system development life cycle time
- Reduces training costs and lowers the impact of staff turnover through documentation of data context, history, and origin
- Supports regulatory compliance

CSTE Metadata Governance Framework Project

- Develop a framework that assists State, Tribal, Local, and territorial public health jurisdictions in effectively managing metadata.
- This management is crucial for enabling seamless data exchange and improving overall data governance practices.

Data Governance enhances data sharing and the ability to respond to emerging public health events by:

- Establishing clear rules of the road
- Balancing access with protection
- Improving data quality and trust
- Enabling rapid coordination during a crises
- Provides flexibility and adaptability

Rules of the road

Data governance is about setting the "rules of the road" that balance the need for information sharing with the obligation to protect rights, comply with the law, and maintain public trust.



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When are Data Use/Sharing Agreement needed?

- Polling Question: How many of you develop, execute and/or implement data sharing agreements?
- Polling Question: How many of you support someone is, or will be soon, sharing data and may need a data sharing agreement?

Before any data (deidentified or limited data set) is shared with an outside entity, all parties must sign an agreement (DUA/DSA) that specifies the terms and conditions that will govern the relationship between the parties sharing the data.

Types of Agreements:

- Data Sharing Agreements
- Data Use Agreements
- Memorandum of Understanding (MOUs)
- Others: Business Associate Agreements, Data License Agreements

General parts to the DUA/DSA will include:

- The relationship between the parties
- Purpose and goals of the sharing
- The legal authority for data sharing
- The terms agreed upon by the parties
 - Identify the data elements to be shared
 - Enforceability: Monitoring and accountability

Data Use/Sharing Challenges & Solutions

- Agency Processes
- Enforceability
- Deidentification and reidentification
- Data security and access controls
- Data ownership



Let's Not Forget to Ask

Is It Ethical?

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- Navigate and apply the CSTE Public Health Law Repository as a resource to support public health decision-making.

DISCUSSION PROMPTS

- What types of resources related to public health authority?
- Have you encountered situations where public health authority was clear in the law but difficult to enforce in practice? What did you learn from that experience?
- What challenge(s) have you faced in developing and implementing a DSA/DUA?
- What tips and practices do you have for successful sharing/disclosing/requesting public health data?

HELPFUL RESOURCES

- [CSTE Public Health Law Repository](#)
- [Getting To Yes: Navigating Data Sharing Projects for Non-Attorneys](#)
- [ASTHO: Legal Landscape of Public Health Data](#)
- [NCDHHS: Data Sharing Guidebook](#)
- [AISP: Finding a Way Forward: How to Create a Strong Legal Framework for Data Integration](#)



THANK YOU

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