

# HMIS PRIVACY STATEMENT

## Sacramento CoC Homeless Management Information System

### Full Notice

### Version 2.0

Approved 11.14.2018

#### I. **What This Notice Covers**

- A. This notice describes the Homeless Management Information System (HMIS) privacy policy and practices of **Agency's Name**. Our main office is located at **Agency's Address**.
- B. The policy and practices in this notice covers the collection, use and maintenance of protected personal information for persons served by **Agency's Name**, as an organization affiliated with the Sacramento Continuum of Care (CoC). If this agency is a covered entity under HIPAA, you may have additional rights regarding your protected health information and these rights will be described to you in the agency's Policy of Privacy Practices under HIPAA.
- C. Personally Identifiable Information / Protected Personal information (hereby known as PPI) is any information we maintain about a client that:
  1. allows identification of an individual directly or indirectly;
  2. can be manipulated by a reasonably foreseeable method to identify a specific individual; **or**
  3. can be linked with other available information to identify a specific client.
- D. We adopted this policy because of the U.S. Department of Housing and Urban Development (HUD) issued standards for Homeless Management Information Systems. We intend our policy and practices to be consistent with those standards. See 69 Federal Register 45888 (July 30, 2004).
- E. This notice informs our clients, our staff, and others how we process personal information. We follow the policy and practices described in this notice.
- F. We may amend this notice and our policy or practices at any time. Amendments may affect personal information that we obtained before the effective date of the amendment.
  1. Amendments to this privacy statement will be approved by the HMIS System Administrator.
- G. We give a written copy of this privacy statement to any individual who asks.

## II. How and Why We Collect Personal Information

- A. We collect PPI only when appropriate to provide services or for another specific purpose of our organization or when required by law. We may collect information for these purposes:
  - 1. to provide or coordinate services to clients;
  - 2. to produce aggregate-level reports regarding use of services;
  - 3. to track individual project-level outcomes;
  - 4. to identify unfilled service needs and plan for the provision of new services;
  - 5. to conduct research for consulting and/or educational purposes; and
  - 6. to accomplish any and all other purposes deemed appropriate by the CoC.
- B. We only use lawful and fair means to collect personal information.
- C. We normally collect personal information with the knowledge or consent of our clients. If you seek our assistance and provide us with personal information, we assume that you consent to the collection of information as described in this notice.
- D. We share this data with Sacramento Steps Forward (SSF); the agency appointed by the CoC to manage all personal information we record about our clients.
- E. We post a Consumer Notice at our intake desk or other location explaining the reasons we ask for personal information. The Consumer Notice reads:

**This Agency participates in the Sacramento Continuum of Care, Homeless Management Information System (HMIS), which collects basic information about consumers receiving services from this Agency. This data is collected in order to get a more accurate count of individuals and families who are homeless, and to identify the need for different services.**

**We only collect information that we consider to be appropriate. The collection and use of all personal information is guided by strict standards of confidentiality. A copy of our Privacy Notice Statement describing our privacy practice is available to all consumers upon request. Agencies participating in HMIS share information with local agencies partnered in HMIS unless they serve a protected population, in compliance with applicable federal and state law. The list of HMIS Partner Agencies is available to consumers at intake upon request. Sharing information among agencies allows those agencies to work in a cooperative manner to provide you with better services.**

**You have the right to refuse certain data answers to be entered into the HMIS database. As such, we request every consumer whom we serve to sign a “Consumers Informed Consent & Release of Information Authorization”. Although you will receive services if you refuse to provide data answers, your eligibility to receive some specialized services may be impacted by not participating in HMIS.**

**You do have the ability to share your personal information with other area agencies that participate in the network by completing a “Consumers Informed Consent & Release of Information Authorization” form. This will allow those agencies to work in a cooperative manner to provide you with efficient and effective services.**

### III. How We Use and Disclose Personal Information

A. We use or disclose personal information for activities described in this part of the statement. We may or may not make any of these uses or disclosures with your information. We assume that you consent to the use or disclosure of your personal information for the purposes described below and for other uses and disclosures that we determine to be compatible with these uses or disclosures:

1. to provide or coordinate services to individuals; data may be shared with other HMIS participating agencies (a copy of participating agencies can be found at [www.sacramentostepsforward.org](http://www.sacramentostepsforward.org));
2. for functions related to payment or reimbursement for services;
3. to carry out administrative functions such as legal, audits, personnel, oversight, and management functions;
4. to create de-identified (anonymous) information that can be used for research and statistical purposes without identifying clients
5. when required by law to the extent that use or disclosure complies with and is limited to the requirements of the law;
6. to avert a serious threat to health or safety if;
  - a. we believe that the use or disclosure is necessary to prevent or lessen a serious imminent threat to the health or safety of an individual or the public; **and**
  - b. the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.
7. to report about an individual we reasonably believe to be a victim of abuse, neglect or domestic violence to a governmental authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect or domestic violence in any of the following three (3) circumstances:
  - a. where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
  - b. if the individual agrees to the disclosure; **or**
  - c. to the extent that the disclosure is expressly authorized by statute or regulation, and either of the following are applicable:
    - i. we believe the disclosure is necessary to prevent serious harm to the individual or other potential victims; **or**
    - ii. if the individual is unable to agree because of incapacity, a law enforcement or other public official authorized to receive the report represents that the personal information for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.

When we make a permitted disclosure about a victim of abuse, neglect or domestic violence, we will promptly inform the individual who is the victim that a disclosure has been, or will be, made except if:

- a. we, in the exercise of professional judgment, believe informing the individual would place the individual at risk of serious harm; **or**
- b. we would be informing a personal representative (such as a family member or friend), and we reasonably believe the personal representative is responsible for the abuse, neglect or other injury, and that informing the personal representative

would not be in the best interests of the individual as we determine in the exercise of professional judgment.

8. to a law enforcement official for a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under any of these circumstances:
    - a. in response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena;
    - b. if the law enforcement official makes a written request for personal information that:
      - i. is signed by a supervisory official of the law enforcement agency seeking the personal information;
      - ii. states that the information is relevant and material to a legitimate law enforcement investigation;
      - iii. identifies the personal information sought;
      - iv. is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; **and**
      - v. states that de-identified information could not be used to accomplish the purpose of the disclosure.
    - c. if we believe in good faith that the personal information constitutes evidence of criminal conduct that occurred on our premises
    - d. In response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. In these cases the **ONLY** personal information that may be shared is the name, address, date of birth, place of birth, Social Security Number, and distinguishing physical characteristics of the individual. No programmatic information including program enrollments, services provided, field contacts, or the like may be shared; **or**
    - e. if:
      - i. the official is an authorized federal official seeking personal information for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. 871 and 879 (threats against the President and others); **and**
      - ii. the information requested is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought.
  9. to comply with government reporting obligations for HMIS and for oversight of compliance with the HMIS requirements.
- B. Before we make any use or disclosure of your personal information that is not described here, we seek your consent first.

#### **IV. How to Inspect and Correct Personal Information**

- A. You may inspect and have a copy of your personal information that we maintain. We will offer to explain any information that you may not understand.
- B. We will consider a request from you for correction of inaccurate or incomplete personal information that we maintain about you. If we agree that the information is inaccurate or incomplete, we may delete it or we may choose to mark it as inaccurate or incomplete and to supplement it with additional information.

- C. We may deny your request for inspection or copying of personal information if:
  - 1. the information was compiled in reasonable anticipation of litigation or comparable proceedings;
  - 2. the information is about another individual (other than a health care provider or homeless provider);
  - 3. the information was obtained under a promise or confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; **or**
  - 4. disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.
- D. If we deny a request for access or correction, we will explain the reason for the denial. We will also include, as part of the personal information that we maintain, documentation of the request and the reason for the denial
- E. We may reject repeated or harassing requests for access to or correction of personal information.

## **V. Data Retention**

- A. We collect only personal information that is relevant to the purposes for which we plan to use it. To the extent necessary for those purposes, we seek to maintain only personal information that is accurate, complete, and timely.
- B. We will dispose of personal information not in current use seven (7) years after the information was created or last changed. As an alternative to disposal, we may choose to remove identifiers from the information.
- C. We may keep information for a longer period if required to do so by an applicable statute, regulation, contract, or other requirement.

## **VI. Complaints and Accountability**

- A. We accept and consider questions or complaints about our privacy and security policies and practices.
    - 1. Any questions or complaints regarding our privacy and security policies and practices should be addressed to the following:
      - HMIS Site Administrator, [Agency name and address and phone number].
- The HMIS Site Administrator will respond in writing within 30 days to the question or complaint.
- a. If the response from the HMIS Site Administrator is unsatisfactory, your original questions and/or complaints, along with the response from the HMIS Site Administrator, should be forwarded to the HMIS System Administrator, 1331 Garden Highway, Suite 100, Sacramento CA 95833. The HMIS System Administrator will respond in writing within 30 days to the question or complaint.
- B. All members of our staff (including employees, volunteers, affiliates, contractors and associates) are required to comply with this privacy Policy. Each staff member must receive and acknowledge receipt of a copy of this privacy statement.

## **VII. Privacy Policy Change History**

- A. Version 2.0, Effective November 14, 2018, Original Version