

Homeless Resource Council of the Sierras' HMIS PRIVACY PLAN

Data Collection Notice

Agencies that contribute HMIS data must let clients know that personal identifying information is being collected, and the reasons for taking this information. To meet this requirement, agencies may post the following language in places where intake takes place:

We collect personal information directly from you for reasons that are discussed in our privacy notice. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless persons, and to better understand the needs of homeless persons. We only collect information that we consider to be appropriate.

Agencies must obtain consent from clients using the Homeless Resource Council of the Sierras' HMIS Client Release of Information form.

Privacy Notice

Each agency is required to publish and post on its web site a Privacy Notice describing its policies and practices for use of protected personal information, and must provide a copy of its Privacy Notice to any individual upon request. The agency must post a sign stating the availability of its Privacy Notice to any individual who requests a copy.

Accountability

Agencies must require staff to sign an agreement that acknowledges receipt of a copy of the Privacy Notice and that pledges to comply with the Privacy Notice. The Homeless Resource Council of the Sierras' HMIS User agreement contains this language and enables each CHO to meet this requirement.

A CHO must establish a written policy for accepting and considering questions or complaints about its privacy and security policies and practices.

Access and Correction

In general, agencies must allow an individual to inspect and to have a copy of any information about the individual, and must offer to explain any information that the individual may not understand. Agencies must consider any request by an individual for correction of inaccurate or incomplete information about the individual, but is not required to remove any information. However, the agency may mark information as inaccurate or incomplete and may supplement it with additional information.

The agency may deny access to personal information for any of the following reasons, and should describe possible reasons in its Privacy Notice:

1. Information compiled in reasonable anticipation of litigation;
2. Information about another individual;
3. Information obtained under a promise of confidentiality if disclosure would reveal the source of the information; or

4. Information, the disclosure of which would be reasonably likely to endanger the life or physical safety of any individual.

The agency can reject repeated or harassing requests for access or correction. An agency that denies an individual's request for access or correction must explain the reason for the denial to the individual and must include documentation of the request and the reason for the denial as part of the protected personal information about the individual.

Purpose and Use Limitations

Agencies may use or disclose personal identifying information from HMIS under the following circumstances: (1) To provide or coordinate services to an individual; (2) for functions related to payment or reimbursement for services; (3) to carry out administrative functions, including but not limited to legal, audit, personnel, oversight and management functions; or (4) for creating de-identified personal identifying information.

Certain disclosures may be required due to provider obligations that go beyond the privacy interests of clients. The following additional uses and disclosures are recognized by HUD, and the Springfield Office of Housing may provide additional guidance regarding these circumstances (each of which is described in more detail in the HUD 2004 HMIS Technical Standards):

1. Uses and disclosures required by law
2. Uses and disclosures to avert a serious threat to health or safety
3. Uses and disclosures about victims of abuse, neglect or domestic violence
4. Uses and disclosures for academic research purposes
5. Disclosures for law enforcement purposes

Confidentiality

Each agency must develop and implement written procedures to ensure: (1) All records containing protected identifying information of any individual or family who applies for and/or receives Continuum of Care assistance will be kept secure and confidential; (2) The address or location of any family violence project assisted with Continuum of Care funds will not be made public, except with written authorization of the person responsible for the operation of the project; and (3) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with State and local laws regarding privacy and obligations of confidentiality.

Protections for victims of domestic violence, dating violence, sexual assault, and stalking

Victim service providers are prohibited from entering data into HMIS. Other agencies must be particularly aware of the need for confidentiality regarding information about persons who are victims of domestic violence, dating violence, sexual assault, and stalking. Additional protections for these clients includes explicit training for staff handling personal identifying information of the potentially dangerous circumstances that may be created by improper release of this information.

Other Requirements

All agencies that contribute HMIS data must comply with the baseline privacy requirements described in this Privacy Plan. A CHO must comply with federal, state and local laws that require additional confidentiality protections. When a privacy or security standard conflicts with other Federal, state, and local laws to which the CHO must adhere, the CHO must contact the HMIS Lead Agency and collaboratively update the applicable policies for the CHO to accurately reflect the additional protections.

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