



HMIS Privacy Policy

Partner Agency Name	Westchester County Department of Social Services HMIS Lead Agency Name
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PURPOSE

This policy describes the standards and procedures related to the Homeless Management Information System (HMIS) administered by the Lead Agency. The policy describes how the partner agency may use and disclose protected personal information (PPI) and additional data collected by partner agencies. The Lead Agency has developed the policy, in consultation with the Westchester County Continuum of Care Partnership for the Homeless (CoC) Data & Systems Committee with the approval of the CoC Board. The policy is to be updated annually, considering the latest HMIS privacy standards and additional CoC standards. The policy may be amended at any time, and the amendments may affect information collected prior to the date of the change. In addition to this policy, partner agencies must comply with federal, state and local laws that require additional confidentiality protections.

This policy only applies to data collected in the HMIS and does not apply to any other website or application. The terms of this policy shall govern all interactions and communications wherein HMIS data is subject. Upon request the partner agency will provide a copy of this policy and request written acknowledgement of its receipt. This policy is not a legal contract. This policy meets a legal requirement to maintain the confidentiality of PPI. The partner agency must follow the terms of this policy that are currently in effect.

BACKGROUND

An HMIS is a locally administered, electronic data collection system that stores longitudinal person-level information about the men, women and children who access homeless and other human services in a community. Each CoC receiving HUD funding is required to implement an HMIS to collect standardized data about all persons accessing the homeless assistance system. Furthermore, elements of HUD’s annual CoC funding competition are directly related to a CoC’s progress in implementing its HMIS. In 2004, HUD published HMIS Data and Technical Standards in the Federal Register. The Standards defined the requirements for data collection, privacy safeguards and security controls for all local HMIS. Periodically, HUD releases updates to the Standards.



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DATA COLLECTION

The partner agency may collect data in HMIS only when appropriate to the purpose for which the information is obtained or when required by law. The partner agency must collect data by lawful and fair means and where appropriate. The partner agency may infer a person's consent to collect data when this policy is posted at each intake desk or comparable location. The partner agency must obtain written or verbal consent from the person to collect data on a third party (e.g. household members, emergency contacts, etc.).

The partner agency may collect data, including but not limited to:

- Personally identifiable information (PII), such as name, Social Security Number, date of birth, gender, race, ethnicity, household relationships, veteran status and disabling conditions;
- Housing information, such as address history, housing status, reason for homelessness;
- Program information, such as income, non-cash benefits, educational attainment, employment status, domestic violence experience, health status and medical information; and,
- Transactional information, such as service need, provision and outcome.

REASONS FOR DISCLOSURES

For Law Enforcement Purposes

The partner agency may disclose PPI in HMIS to law enforcement officials for law enforcement purposes, such as:

- In response to a court order, subpoena or other legal proceeding.
- To identify or locate a suspect, fugitive, material witness or missing person.
- When information is requested about an actual or suspected victim of a crime.
- To report a death as a result of possible criminal conduct.
- To investigate allegations of misconduct that may have occurred.
- To report a crime in emergency circumstances.
- For other purposes as required by law.

For Funeral Directors, Coroners and Medical Examiners

The partner agency may disclose PPI as necessary to allow these individuals to carry out their responsibilities.

For National Security and Intelligence

The partner agency may disclose PPI to authorized federal officials for national security and intelligence activities.



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For Research Projects with New York State and Contracted Third Parties

The partner agency may disclose PPI for research purposes only if the following conditions have been met:

- A signed Data Use Agreement with the contractor is in place before any data is shared.
- The data will be shared for a predetermined time period as stated in the Agreement with the contractor.
- The use and scope of the data research is provided as part of the Agreement.
- Results of the research may not affect any individual's current program participation.

The New York State Office of Temporary and Disability Assistance (OTDA) will maintain a database of client information, as input in HMIS systems across New York State. The purpose of the database is to better understand characteristics, trends, and movement of persons who are homeless or at risk of or experiencing homelessness, as well as to analyze the utilization and effectiveness of services created to assist such persons. The database is constructed so that information that is considered personal protected information (name, social security number, date of birth) will not be shared, will not be seen by any employee of OTDA, and will never appear in any reports created out of the database.

Uses or Disclosures That Require Authorization

Other uses and disclosures will be made only with the person's written authorization. The person may cancel an authorization at any time by notifying the partner agency in writing of his/her desire to cancel it. If the person cancels an authorization, it will not have any effect on information that we have already disclosed. Examples of uses or disclosures that may require a person's written authorization include the following:

- A request to provide protected personal information to an attorney for use in a civil law suit.
- A request to provide protected personal information to a requesting medical professional.



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PRIVACY RIGHTS

The information collected in HMIS is the physical property of the Lead Agency.

Persons with data in HMIS have the following rights:

Right to Request Restrictions

The person has the right to ask the partner agency not to use or disclose his/her protected personal information for a particular reason. The client may ask that family members or other authorized individuals not be informed of specific protected personal information.

That request must be made in writing to the partner agency. If the partner agency agrees to the request, the partner agency must keep the agreement, except in the case of a medical emergency or law enforcement.

Right to Inspect and Copy Protected Personal Information

The person has the right to request to inspect and obtain a copy of his/her protected personal information. The person must submit the request in writing to the partner agency. If the person requests a copy or summary of the information, the partner agency may charge a fee for the costs of copying, summarizing and/or delivery.

If the partner agency agrees to the request, the partner agency will notify the person. The partner agency may deny the request under certain limited circumstances. If the request is denied, the partner agency will let the person know in writing and he/she may be able to request a review of the denial.

Right to Request Amendments to Protected Personal Information

The person has the right to request that the partner agency correct his/her PPI. If the person believes that any PPI in the record is incorrect or that important information is missing, he/she must submit the request for an amendment in writing to the partner agency. The partner agency does not have to agree to the request. If the partner agency denies the request, the partner agency will provide an explanation. The person has the right to submit a statement disagreeing with the decision.

Right to an Accounting of Disclosures of Protected Personal Information

The person has the right to find out what disclosures of his/her PPI have been made. The list of disclosures is called an Accounting. The Accounting may be for up to six (6) years prior to the date on which the request has been made. The partner agency is not required to include disclosures for National Security or Intelligence purposes, or to correctional institutions and law enforcement officials. The right to have an Accounting may be temporarily suspended if it will impede the partner agency's activities. The notice of suspension should specify required



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duration of the suspension. Requests for an Accounting of disclosures must be submitted in writing to the partner agency. The person is entitled to one free Accounting in any twelve (12) month period. The agency may charge the client a nominal fee for additional Accountings.

CONTACT INFORMATION

For questions about this policy or to issue a grievance, please contact:

Name:

Address:

Phone:

Fax:

Email:

The partner agency supports a person's right to protect the privacy of personal information. The partner agency will not retaliate in any way if a person chooses to file a grievance.