

Texas Balance of State Continuum of Care Privacy Policy

For the Texas Homeless Management Information System



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Central Counties Services

Texas Homeless Network

Covered Homeless Organization Name

HMIS Lead Agency

PURPOSE

This policy describes the standards and procedures related to the Homeless Management Information System (HMIS) administered by the Texas Homeless Network (THN). The policy describes how THN may use and disclose protected personal information (PPI) and additional data collected by covered homeless organizations (CHO). In its capacity as the HMIS Lead Agency, THN has developed the policy, in consultation with the Texas Balance of State Continuum of Care (CoC) HMIS Committee. The policy is to be updated annually, considering the latest HMIS baseline 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. A link to the policy is located on THN's website. Upon request THN 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. THN 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 capture standardized data about everyone 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, which defined the requirements for data collection, privacy safeguards and security controls for all local HMIS. In March 2010, HUD updated the Data Standards [Revised Notice] incorporating

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additional data collection requirements for the Homelessness Prevention and Rapid Re-Housing Program (HPRP) funded under the American Recovery and Reinvestment Act (ARRA). The current HMIS Data Standards, published in the 2014 along with the HMIS Data Dictionary, were developed by the U.S. Department of Health and Human Services (HHS), HUD, and U.S. Department of Veterans Affairs (VA) in the effort to provide communities with baseline data collection requirements and assist the common goal of ending homelessness.

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, marital and family status, household relationships, veteran status and disabling conditions;
- Housing information, such as address history, housing status, reason for homelessness;
- Program-specific 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

THN may disclose PII 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.

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- 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

THN may disclose PII as necessary to allow these individuals to carry out their responsibilities.

For National Security and Intelligence

THN may disclose PII to authorized federal officials for national security and intelligence activities.

For Research Projects with Contracted Third Parties

THN may disclose PII 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.

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 THN's Compliance Officer 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 THN.

Persons with data in HMIS have the following rights:

Right to Request Restrictions

The person has the right to ask THN 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 THN's Compliance Officer. If THN agrees to the request, THN 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 THN's Compliance Officer. If the person requests a copy of the information or we provide a summary of the information THN may charge a fee for the costs of copying, summarizing and/or delivery.

If THN agrees to the request, THN will notify the person. THN may deny the request under certain limited circumstances. If the request is denied, THN 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 THN 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 THN's Compliance Officer. THN does not have to agree to the request. If THN denies the request, THN 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. THN is

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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 THN's activities. The notice of suspension should specify required duration of the suspension. Requests for an Accounting of disclosures must be submitted in writing to THN's Compliance Officer. The person is entitled to one free Accounting in any twelve (12) month period. THN may charge the client a nominal fee for additional Accountings.

CONTACT INFORMATION

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

Texas Homeless Network
1713 Fortview Road
Austin, TX 78704

Phone: 512.861.2155
Fax: 512.478.8077
Email: hmis@thn.org

To file a grievance, please contact THN's Compliance Officer:
Jesús DeLeón-Serratos, HMIS Program Manager.

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

For more information about Texas Homeless Management Information System, please visit: www.thn.org