

APPENDIX I

**AL-501 CoC Privacy Notice to Clients**

**Version 2**

# AL-501 CoC Privacy Notice to Clients

Version 2

## **Notice Summary**

**The AL-501 CoC Privacy Notice to Clients describes the privacy policy and practices of Housing First, Inc. We may amend this policy over time. We collect personal information only when appropriate. We may use or disclose your information to provide you with services. We may also use or disclose it to comply with legal and other obligations. You can inspect personal information about you that we maintain. You can also ask us to correct inaccurate or incomplete information. You can ask us about our privacy policy or practices. We respond to questions and complaints. Read the full notice for more details. Anyone can have a copy of this notice upon request.**

## **Brief Summary**

This Agency collects information about people who apply for services. When we meet with you, we will ask you information about you and your household. We will put the information into a computer system called the Program Management Information System of the Southeast ("PromisSE" or "HMIS" or "System"). The HMIS is used to collect client-level data, and data on the provision of housing and services to homeless individuals, families, and persons at risk of homelessness. The HMIS complies with the U.S. Department of Housing and Urban Development's ("HUD") data collection, management, and reporting standards. The information that we collect allows us to work with other Agencies to help you, to coordinate your case management, and to reduce the number of times that you have to re-tell your story or repeat your information.

## **Confidentiality Rights**

Each Participating Agency (agencies using the HMIS) is required to have a privacy policy that has been approved by its board of directors. Housing First operates the HMIS in accordance with HUD confidentiality regulations, including those covering programs that receive HUD funding for homeless services (Federal Register/Vol. 69, No. 146). Agencies covered under the Health Insurance Portability and Accountability Act (HIPAA) privacy and security rules, which govern confidential health information such as the diagnosis, treatment, of a mental health disorder, a drug or alcohol disorder, and AIDS/HIV condition, must notify Housing First's System Administrator of their HIPAA status to allow Housing First to handle their client data in compliance with HIPAA. Other rules that may also apply include 42 CFR Part 2 governing drug and alcohol records.

***Effective Date: The AL-501 CoC Privacy Notice to Clients governs the privacy of information received on or after January 1, 2017. Information received or entered prior to the effective date is governed under the preceding Privacy Notice.***

# AL-501 CoC Privacy Notice to Clients

## Full Notice

Version 2

### A. What This Notice Covers

1. This notice describes the privacy policy and practices of Housing First, Inc., which is the Continuum Designated HMIS Lead Agency for the AL-501 Homeless Coalition of The Alabama Gulf Coast Continuum of Care (AL-501 CoC). Additional information about Housing First may be found at [www.hfal.org](http://www.hfal.org).
2. The policy and practices in this notice cover the processing of protected personal information for clients of the Continuum Designated Lead Agency or the Agency, and how the information is used and disclosed.
3. Protected Personal Information (PPI) is any information we maintain about a client that:
  - a. allows identification of an individual directly or indirectly
  - b. can be manipulated by a reasonably foreseeable method to identify a specific individual, or
  - c. can be linked with other available information to identify a specific client. When this notice refers to personal information, it means PPI.
4. We adopted this policy because of standards for Homeless Management Information Systems issued by HUD. We intend our policy and practices to be consistent with those standards. See 69 Federal Register 45888 (July 30, 2004).
5. This notice tells our clients, our staff, and others how we process personal information. We follow the policy and practices described in this notice.
6. We give a written copy of this privacy notice to any individual who asks.
7. We maintain a copy of this policy on our website at [www.hfal.org/services/hmis-department/policy-and-procedures/](http://www.hfal.org/services/hmis-department/policy-and-procedures/).

### **Notice Amendment Process**

**PRIVACY NOTICE AMENDMENTS:** The policies and practices covered under the AL-501 CoC Privacy Notice to Clients may be amended over time and those amendments may affect information obtained by the Agency before the date of the change. All amendments to this notice must be consistent with the requirements of the federal standards that protect the privacy of clients and guide the HMIS implementation and operation.

### B. How and Why We Collect Personal Information

We may collect Personal Protected Information only when appropriate to the purposes for which the information is obtained or when required by law. We collect PPI by lawful and fair means and with your knowledge or consent.

1. We may collect information for these purposes:
  - a. To provide or coordinate services for you;
  - b. to locate other programs that may be able to assist you;
  - c. for functions related to payment or reimbursement from others;
  - d. to operate our organization, including administrative functions such as legal, audits, personnel, oversight, and management functions;
  - e. to comply with government reporting obligations when required by law;
  - f. when required by law.
2. We may also get information about you from other Agencies if you've given them written consent to share your information.
3. We post a written notice where Protected Personal Information is collected. The notice reads:

"We collect personal information directly from you for reasons that are discussed in our privacy statement. 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 and/ or at-risk persons, and to better understand the needs of homeless and/ or at-risk persons. 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 is available to all clients upon request.”

4. This notice will be explained in cases where the client is unable to read and/or understand it.

### **C. How We Use and Disclose Personal Information**

1. We can only use or disclose Personal Protected Information from the HMIS for the following activities:
  - a. To **provide or coordinate services** for you;
  - b. for functions related to **payment or reimbursement for services**;
  - c. to **carry out administrative functions** such as legal, audits, personnel, oversight, and management functions;
  - d. to **create de-identified (anonymous) information** that can be used for reporting, research, and statistical purposes without identifying clients;
  - e. for **contractual research purposes** where privacy conditions are met (including a written agreement);
  - f. **when required by law** to the extent that use or disclosure complies with and is limited to the requirements of the law;
  - g. to **avert a serious threat to health or safety** if:
    - i. we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public, **and**
    - ii. the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat;
  - h. to comply with **government reporting obligations** for the HMIS and for oversight of compliance with HMIS requirements;
  - i. to **report criminal activity** on Agency premises.

### **D. Limited Information Sharing**

We require you to sign the AL-501 CoC Client Release of Information and Sharing Plan (“ROI” or “Sharing Plan”), which provides notice of how your personal information is used within the HMIS, and requires your consent on how your personal information is shared and the Participating Agencies with which it is shared. Please request a copy of the Sharing Plan to see a complete list of agencies with which you may share information. Although the agencies who participate in the Sharing Plan may change from time to time, you may always ask for the most recent copy of the Sharing Plan from this Agency.

**The limited sharing model we use is outlined below, and offers three (3) different sharing options.**

#### **Limited Sharing Model:**

1. **Option 1** - This option allows the most information sharing, and therefore the most coordination of services and the least duplication of efforts in order to serve you. The information below will be shared as follows:
  - a. **Basic Information** – This information will be shared with Participating Agencies in Alabama and Florida. Your Basic Information includes the following: your name, date of birth, social security number, program enrollments, case managers, military background (veteran status), and photo.
  - b. **Detailed Information** – This information will only be shared with local agencies in Mobile and Baldwin counties. Please ask for a copy of the Sharing Plan to see a complete list of these agencies. Your Detailed Information is listed in the AL-501 CoC Sharing Plan, and includes the following: case plan(s), including goals, action steps, and case notes; communicable and venereal diseases (e.g. hepatitis, syphilis, gonorrhea, tuberculosis, HIV/AIDS); disability

information, including chronic health condition(s), developmental, HIV/AIDS, physical and mental health; drug and/or alcohol abuse and treatment history; educational attainment; employment history; ethnicity; gender; health insurance (sources); household members; incidents and bans; income and non-cash benefits (amounts and sources); living situation, housing history, and circumstances of need; race; risk factors; services (requested and received) and referrals.

2. **Option 2** - Under this option, **only** the agencies that you specify will be able to see your Detailed Information, including your healthcare and drug treatment information.
3. **Option 3** - Under this option, your information **will not** be shared, and you **will not** be denied access to services because you choose not to share your information.

*A client's Basic Information (name, date of birth, social security number, program enrollments, case managers, military background/veteran status) collected in the field by outreach workers may be entered into the HMIS prior to the execution of a signed ROI. However, the outreach worker must provide the client with the AL-501 CoC Outreach Privacy Notice (Appendix Q) and sign the AL-501 CoC Outreach Consent Certification (Appendix R), affirming receipt of the client's verbal consent before entering, updating, editing, printing, or disclosing their Basic Information. Otherwise, limited visibility must be coordinated with Housing First. Detailed Information may not be entered into the HMIS prior to execution of the ROI.*

#### **E. Your Information Rights**

1. All requests for personal information located within the HMIS need to be made to the Agency or organization that collected and entered or updated your information.
2. We may not disclose your Personal Protected Information located within the HMIS except as required by law, or to help the Participating Agency that collected/entered/updated the information operate the System.
3. We may not publish reports on your data that identifies specific Agencies or persons. Public reports otherwise published will be limited to the presentation of aggregated data that does not disclose personal identifying information.

Please note that you have the right to refuse consent to share your information between Participating Agencies. You cannot be denied services that you would otherwise qualify for if you refuse to share information. Please note that if you refuse this permission, information will still be entered into the System for statistical purposes, but your information will be closed so that only that Agency you gave the information to and System Administrator(s) operating the HMIS database may see your information.

#### **F. Benefits of HMIS and Agency Information Sharing**

The information you provide to us can play an important role in our ability and the ability of other Agencies to provide the services that you and others in our community request. The benefits of HMIS and Agency information sharing are as follows:

1. Better demonstrate the need for services and the specific types of assistance needed in our area.
2. Obtain more money and resources to provide services.
3. Plan and deliver quality services to you and your household.
4. Assist the Agency to improve its work with households and individuals who are homeless.
5. Keep required statistics for local, state, and federal funders (such as HUD).

#### **G. Risks in Sharing Information**

While the HMIS is designed to promote better services for those who are homeless or might become homeless, there may be risks to individuals, especially vulnerable populations and/or individuals with increased privacy concerns (e.g. victims of domestic violence, dating violence, sexual assault and stalking), that lead them to take certain protectionary measures, which include:

- a. Request to close their record so that only the Agency(s) they name and the System Administrator(s) operating the HMIS will see their information. The Agency must notify the System Administrator at the Continuum Designated HMIS Lead Agency within 24 hours of inputting the client information into the System to close the record.
- b. Request to have their record marked as "inactive."

- c. Request to have their record removed from the System.

#### **H. Data Quality**

1. We collect only PPI 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.
2. ROI forms will be retained for a period of seven (7) years, after which time the forms will be discarded in a manner that ensures client confidentiality is not compromised.
3. We may keep information for a longer period if required to do so by statute, regulation, contract, or other requirement.

#### **I. How Your Information Will Be Kept Secure**

Protecting the safety and privacy of individuals receiving services and the confidentiality of their records is very importance to us. Through training, policies and procedures, and software, we have taken steps to ensure your information is kept safe and secure, including:

1. All computers are updated regularly, and have current antivirus software with automatic updates.
2. Your name and other identifying information **will not** be contained in HMIS reports that are issued to local, state, or federal agencies.
3. Individuals receive training in privacy protection and agree to follow strict confidentiality standards before using the System.
4. Only licensed individuals are provided with a username and password to access the System, and their access level must be consistent with their job responsibilities and their business "need-to-know."
5. Data transported over the internet is encrypted, which keeps information private during transmission.
6. Only connections from previously approved computers are allowed to access the HMIS, which is verified through a Public Key Infrastructure (PKI) Client Certificate. A PKI Client Certificate has been installed on each end user's computer by the System Administrator before the end user can access the HMIS, which allows computers to securely exchange data, providing an additional layer of encryption.
7. The end user requirement of a username and password, in addition to the installation of the PKI Client Certificate on their computer, is known as Two Factor Authentication. Two Factor Authentication makes it harder for potential hackers to steal personal information.
8. The HMIS database lives on a server protected by a firewall, which is a device meant to keep hackers and viruses away from the server.
9. The HMIS database is stored on equipment that's kept physically secure, which means only authorized personnel have access to it.
10. System Administrators employed by Housing First support the daily operation of the HMIS.

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

1. 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.
2. 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.
3. You may request to share your information with other organizations by completing the AL-501 CoC Client Release of Information and Sharing Plan. You may terminate or withdraw your request to share information by contacting us.
4. If another Agency collected, entered or updated the information you're requesting, then you will need to contact that Agency to process your request.
5. We may deny your request for inspection or copying of personal information if:
  - a. the information was compiled in reasonable anticipation of litigation or comparable proceedings
  - b. the information about another individual other than the Agency staff would be disclosed
  - c. the information was obtained under a promise or confidentiality (other than a promise from a healthcare provider or homeless provider) and if the disclosure would reveal the source of the information, **or**
  - d. disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.

6. 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.
7. We may reject repeated or harassing requests for access or correction.

#### **K. Complaints and Accountability**

1. We accept and consider questions or complaints about our privacy and security policies and practices.
2. All members of our staff (including employees, volunteers, affiliates, contractors and associates) are required to comply with this privacy notice. Each staff member must receive and acknowledge receipt of a copy of this privacy notice.

#### **Complaint Procedures**

**Please feel free to contact us to file a grievance if you feel that your information rights have been violated. Please address your written communication to Eric B. Jefferson, Chief Executive Officer, Housing First, Inc. The mailing address is 273 Azalea Road, Building 3, Suite 110, Mobile, AL, 36609. Please include your contact information. We will respond in writing within seven (7) working days from the receipt of your letter.**

#### **L. Privacy Notice Change History**

#### **Change History**

**This is the Version 2 of our Privacy Notice to Clients, which is our first revision.**

1. **Version 1 - June 2014. Initial Policy**
2. **Version 2 - September 2016. Updated – Added Notice Summary; labeled and updated Brief Summary; updated Confidentiality Rights; added “What this Notice Covers” section; added “How and Why We Collect Personal Information” section, which contains Public Notice illustrated in paragraph 3 on p. 2 of preceding Privacy Notice, and deleted sentence stating Agency owns HMIS records to correspond with Partnership Agreement stating Agency and Continuum Designated Lead Agency are custodians of the data; revised uses and disclosures, and renamed section “How We Use and Disclose Personal Information;” added “Limited Information Sharing” section to reflect amendments to the ROI and the addition of the Sharing Plan, added the verbal consent exception for outreach workers; revised “Benefits of HMIS and Agency Information Sharing” section in accordance with the Limited Sharing Model by omitting paragraph 2 on p. 6 of preceding Privacy Notice; revised “Risks to Sharing Information” section in accordance with the Limited Sharing Model and added the “vulnerable populations” language; added “Data Quality” section, including record keeping practices for ROIs; updated “How Your Information Will Be Kept Secure” section with encryption information, added the Public Key Infrastructure (PKI) Client Certificate and Two Factor Authentication information; added “How to Inspect and Correct Personal Information” section, and moved access and correction information at the end of p. 4 of the preceding Privacy Notice to this section; added “Complaint and Accountability” section, and moved complaint contact information in paragraph 2 on p. 5 of preceding Privacy Notice to this section.**