HMIS Oversight Committee
Agenda
Wednesday, September 9, 2020
9:00 a.m.-11:00 a.m.
Join Zoom Meeting
Phone: 669 900 6833
Meeting ID: 816 4803 2953
Passcode: 832681

Meetings are public. Homeless and formerly homeless Alameda County residents are encouraged to attend. Public Comment will be taken at the beginning of each meeting and is limited to 2 minutes per person. Click here to learn more about the public participation policy.

1. Welcome 9:00-9:05AM
2. HMIS Oversight Public Comment 9:05-9:15 AM
3. HMIS Lead Monitoring Plan 9:15-9:25 AM
   Discuss
4. HMIS Privacy and Security 9:25-10:10 AM
   Discuss
   Discuss
6. Committee Structure 10:40-11:00 AM
   Discuss
HMIS P&S Refresh Project

Project Introduction to HMIS Oversight Committee
September 9, 2020

Robert Ratner, MPH, MD
Jessica Hanserdt, MBA
Objectives

- Share project Vision, Goals, Success Measures, Approach
- Gain alignment, support & participation
- Briefly describe AC Care Connect CHR and SHIE
- Develop concrete next steps, including secure your acceptance or edits and feedback on the Project Charter and Privacy Policy by F 9/11
Alameda County’s (AC) Homeless Management Information System (HMIS) Privacy and Security (P&S) policies, procedures, training, resources and forms do not reflect changes in regulations or ongoing collaborative efforts between housing and health care services to integrate whole person care.

AC staff are generally skeptical and perhaps overwhelmed by multiple, data sharing efforts coming from different directions. The benefits are unclear. The increased burden for users and risks for consumers dominates the conversation.

The HMIS P&S program is aligned w/ both the 2020 HMIS Data Standards and the AC Care Connect SHIE/CHR.

The HMIS training is updated to align with updated P&P. HMIS and CHR training are integrated or staged to improve knowledge retention, skill building and the overall learner experience.

The Housing Enrollment Workflow includes collection of both HMIS and CHR Information Sharing Authorizations (ISAs) at the same time. Stakeholder attitudes, behaviors and social norms shift to support cross-sector, cross-entity data sharing with standardized workflows and tools necessary to protect P&S.

Consumer ownership of one’s own data is a top priority, including consumer facing materials that are written in plain language and clearly describe various types of data shared so consumers can make informed choices.

Client Lead: Robert Ratner
Consultant: Jessica Hanserd

*Text in Blue: will not be realized in this scope of work
What is the SHIE?

AC Care Connect Social Health Information Exchange (SHIE)

Find more information at http://accareconnect.org/
What is the CHR?
AC Care Connect Community Health Record (CHR)

Curated, actionable information designed for inter-agency and inter-sector care coordination to promote real-time action.

Find more information at [http://accareconnect.org/](http://accareconnect.org/)
Questions

• How do we stay connected to related work efforts?
• Any deadlines and dependencies we should be aware of?
• Who should be involved in training development?

Next Steps

❑ Accept or suggest changes to Project Charter by F 9/11
❑ Accept or suggest changes to Privacy Policy by F 9/11
This Policy describes standards for the privacy of personal information collected and stored in the Berkeley-Oakland-Alameda County Continuum of Care Homeless Management Information System (AC CoC HMIS), as well as personal information collected for the purposes of the Berkeley-Oakland-Alameda County Continuum of Care Coordinated Entry System (AC CoC CES). The standards seek to protect the confidentiality of personal information while allowing for reasonable, responsible, and limited uses and disclosures of data. This Privacy Policy (hereinafter referred to as “Policy”) is based on principles of fair information practices recognized by the information privacy and technology communities.

This Policy defines the privacy standards that will be required of any organization within the AC CoC (such as a homeless assistance provider, HMIS software company, AC Care Connect Social Health Information Exchange and Community Health Record) that records, uses, or processes personally identifiable information (PII) on clients at-risk of or experiencing homelessness for the AC CoC HMIS or the AC CoC CES. Organizations must also comply with federal, state, and local laws that require additional confidentiality protections, where applicable.

This Policy recognizes the broad diversity of organizations that participate in the AC CoC HMIS and / or the AC CoC CES, and the differing programmatic and organizational realities that may demand a higher standard for some activities. Some organizations (e.g., such as those serving victims of domestic violence) may choose to implement higher levels of privacy standards because of the nature of the clients they serve and / or service provision. Others (e.g., large emergency shelters) may find higher standards overly burdensome or impractical. At a minimum, however, all organizations must meet the privacy standards described in this Policy. This approach provides a uniform floor of protection for clients at-risk of or experiencing homelessness with the possibility of additional protections for organizations with additional needs or capacities.

The following sections discuss the AC CoC HMIS and the AC CoC CES privacy standards in close alignment with the federal HUD HMIS Privacy and Security Standards.

Please note this is Work in Process modeled after another COC. Please send any questions, concerns or other feedback to jessica@hanserdhcsolutions.com and copy Robert.Ratner@acgov.org.
1 HMIS AND CES PRIVACY STANDARDS: DEFINITIONS AND SCOPE

1.1 DEFINITION OF TERMS

- **Personally Identifiable Information (PII):** Any information maintained by or for a Covered Homeless Organization about a client at-risk of or experiencing homelessness that: (1) identifies, either directly or indirectly, a specific individual; (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 individual.
- **Covered Homeless Organization (CHO):** Any organization (including its employees, volunteers, affiliates, contractors, and associates) that records, uses, discloses or processes PII on clients at-risk of or experiencing homelessness for an HMIS or CES. This definition includes both organizations that have direct access to the AC CoC HMIS and/or the AC CoC CES, as well as those organizations who do not but do record, use, or process PII of target population clients.
- **Recording:** Activities internal to any given CHO that involve creating a hard copy or electronic record that includes PII.
- **Uses:** Activities internal to any given CHO that involves interaction with PII.
- **Disclosures:** Activities in which a CHO shares PII externally.
- **Processing:** Any operation or set of operations performed on PII, whether or not by automated means, including but not limited to collection, maintenance, use, disclosure, transmission, and destruction of the information.
- **Permitted HMIS and CES Uses and Disclosures:** The uses and disclosures of PII that are allowed by this Policy, in alignment with the federal HUD HMIS Privacy Standards.¹

1.2 APPLYING THE AC CoC HMIS AND AC CoC CES PRIVACY POLICY

This Policy applies to any homeless assistance organization that records, uses, or processes personally identifiable information (PII) for the AC CoC HMIS or AC CoC CES. A provider that meets this definition is referred to as a covered homeless organization (CHO). All PII maintained by a CHO is subject to these standards.

Any CHO that is covered under the Health Insurance Portability and Accountability Act (HIPAA) is not required to comply with this Policy if the CHO determines that a substantial portion of its PII about clients at-risk of or experiencing homelessness is protected health information as defined in the HIPAA rules. Exempting HIPAA-covered entities from this Policy avoids all possible conflicts between the two sets of rules.

This Policy gives precedence to the HIPAA privacy and security rules because:

1. The HIPAA rules are more finely attuned to the requirements of the health care system;

¹ Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.1.1 pg. 45928

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2. The HIPAA rules provide important privacy and security protections for protected health information; and
3. Requiring a homeless provider to comply with or reconcile two sets of rules would be an unreasonable burden.

It is possible that part of a homeless organization’s operations may be covered by this Policy while another part is covered by the HIPAA standards. A CHO that, because of organizational structure, legal requirement, or other reason, maintains personal information about a client at-risk of or experiencing homelessness that does not fall under this Policy (e.g., the information is subject to the HIPAA health privacy rule) must describe that information in its privacy notice and explain the reason the information is not covered. The purpose of the disclosure requirement is to avoid giving the impression that all personal information will be protected under this Policy if other standards or if no standards apply.

2. ALLOWABLE HMIS AND CES USES AND DISCLOSURES OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

Client consent for any uses and disclosures defined in this section is assumed when organizations follow HUD HMIS Standards for notifying clients of privacy policies. HUD permits the following uses and disclosures of PII without participant consent, provided that the uses and disclosures are listed in the Privacy Notice. If any of the uses and disclosures is not listed in the Privacy Notice, consent is required.

2.1. MANDATORY USES AND DISCLOSURES
Per the 2004 HMIS Data and Technical Standards, HUD requires two mandatory disclosures regardless of their inclusion in the Privacy Notice:

- Participants’ access to their own information
- Disclosures for oversight of compliance with HMIS privacy and security standards

2.2. PERMITTED USES AND DISCLOSURES
Per the 2004 HMIS Data and Technical Standards, HUD permits the following uses and disclosures of PII without participant consent, provided that the uses and disclosures are listed in the Privacy Notice. If any of these uses and disclosures is not listed in the Privacy Notice, consent is required:

1. To provide or coordinate services for an individual or household;
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

Federal Register/Vol. 69, No. 146/Friday, July 30, 2004/Notices SEC. 4.1.2 pg. 45928
HUD Coordinated Entry Management & Data Guide/October 2018/Chapter 2 pg 16

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CHOs, like other institutions that maintain personal information about individuals, have obligations that may transcend the privacy interests of clients. The following additional uses and disclosures recognize those obligations to use or share personal information by balancing competing interests in a responsible and limited way. Under this Policy, these additional uses and disclosures are permissive and not mandatory (except for first party access to information and any required disclosures for oversight of compliance with this Policy). However, nothing in this Policy modifies an obligation under applicable law to use or disclose personal information.

2.3 ADDITIONAL PERMISSIONS
Per the 2004 HMIS Data and Technical Standards, HUD also permits the following uses and disclosures of PII without participant consent, provided that these additional uses and disclosures are listed in the Privacy Notice. If any of these uses and disclosures is not listed in the Privacy Notice, consent is required:

2.3.1 Uses and disclosures required by law
A CHO may use or disclose PII when required by law to the extent that the use or disclosure complies with and is limited to the requirements of the law.

2.3.2 Uses and disclosures to avert a serious threat to health or safety
A CHO may, consistent with applicable law and standards of ethical conduct, use or disclose PII if:

1. The CHO, in good faith, believes 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
2. The use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.

2.3.3 Uses and disclosures about victims of abuse, neglect or domestic violence
A CHO may disclose PII about an individual whom the CHO reasonably believes to be a victim of abuse, neglect or domestic violence to a government authority (including a social service or protective services organization) authorized by law to receive reports of abuse, neglect or domestic violence under the following circumstances:

1. Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
2. If the individual agrees to the disclosure; or
3. To the extent that the disclosure is expressly authorized by statute or regulation; and the CHO believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or 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 PII 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.

A CHO that makes a permitted disclosure about victims of abuse, neglect or domestic violence must promptly inform the individual that a disclosure has been or will be made, except if:

1. The CHO, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm; or
2. The CHO would be informing a personal representative (such as a family member or friend), and the CHO reasonably believes 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 determined by the CHO, in the exercise of professional judgment.

2.3.4 Uses and disclosures for academic research or evaluation purposes.
A CHO may use or disclose PII for academic research or evaluation conducted by an individual or institution that has a formal relationship with the CHO if the research / evaluation is conducted either:

- By an individual employed by or affiliated with the organization for use in a research / evaluation project conducted under a written research / evaluation agreement approved in writing by a program administrator (other than the individual conducting the research / evaluation) designated by the CHO; or
- By an institution for use in a research / evaluation project conducted under a written research / evaluation agreement approved in writing by a program administrator designated by the CHO.

A written research / evaluation agreement must:

1. Establish rules and limitations for the processing and security of PII in the course of the research / evaluation;
2. Provide for the return or proper disposal of all PII at the conclusion of the research / evaluation;
3. Restrict additional use or disclosure of PII, except where required by law; and
4. Require that the recipient of data formally agree to comply with all terms and conditions of the agreement.

A written research / evaluation agreement is not a substitute for approval of a research project by an Institutional Review Board, Privacy Board, or other applicable human subjects protection institution.

Any research / evaluation on the nature and patterns of homelessness (at the CoC-wide level) that uses PII HMIS data will take place only on the basis of specific agreements between researchers and the entity that administers the HMIS. These agreements must be approved by the AC CoC Board and must reflect adequate standards for the protection of confidentiality of data.

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2.3.5 Disclosures for law enforcement purposes
A CHO may, consistent with applicable law and standards of ethical conduct, disclose PII for a law enforcement purpose to a law enforcement official under any of the following circumstances:

- In response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena;
- If the law enforcement official makes a written request for protected personal information that:
  - Is signed by a supervisory official of the law enforcement organization seeking the PII;
  - States that the information is relevant and material to a legitimate law enforcement investigation;
  - Identifies the PII sought;
  - Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
  - States that de-identified information could not be used to accomplish the purpose of the disclosure.
- If the CHO believes in good faith that the PII constitutes evidence of criminal conduct that occurred on the premises of the CHO;
- In response to a verbal request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the PII disclosed consists only of name, address, date of birth, place of birth, Social Security Number, and distinguishing physical characteristics; or
- If the official is an authorized federal official seeking PII 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 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.  

3 Prohibited Uses and Disclosures
Certain uses and disclosures may be prohibited or otherwise restricted by other federal, state or local laws.

Commented [JH7]: What should be added here?
4 PRIVACY REQUIREMENTS AND RESPONSIBILITIES

All CHOs involved with the AC CoC HMIS and / or the AC CoC CES must comply with the privacy requirements described here with respect to:

1. Data collection limitations;
2. Data quality;
3. Purpose and use limitations;
4. Openness;
5. Access and correction; and
6. Accountability.

A CHO must comply with federal, state, and local laws that require additional confidentiality protections. All additional protections must be described in the CHO’s privacy notice. A CHO must comply with all privacy protections in this Notice and with all additional privacy protections included in its privacy notice, where applicable.

A CHO may maintain a common data storage medium with another organization (including but not limited to another CHO) that includes the sharing of PII. When PII is shared between organizations, responsibilities for privacy may reasonably be allocated between the organizations. Organizations sharing a common data storage medium and PII may adopt differing privacy policies as they deem appropriate, administratively feasible, and consistent with this Policy, which allows for the de-duplication of clients at-risk of or experiencing homelessness at the CoC level.  

4.1 DATA COLLECTION LIMITATION

A CHO may collect PII only when appropriate to the purposes for which the information is obtained or when required by law. A CHO must collect PII by lawful and fair means and, where appropriate, with the knowledge of the individual. A CHO must post a sign at each intake desk (or comparable location) that explains generally the reasons for collecting this information (AC CoC Consumer Notice). Consent of the individual for data collection may be assumed when the AC CoC Consumer Notice is properly displayed.

Best practice is to provide a copy of the Privacy Notice and verbally explain it in plain language to all participants.

4.2 DATA QUALITY

PII collected by a CHO must be relevant to the purpose for which it is to be used. To the extent necessary for those purposes, PII should be accurate, complete, and timely, as defined by the [AC Data Quality Monitoring Plan]. A CHO must develop and implement a plan to dispose of, or remove identifiers.

Commented [JHB]: do we need to describe opt out process here?
Commented [RRA9]: This seems like an appropriate section for covering that topic...may be where we also clarify DV or other sensitive information collection

Commented [RRA10]: Need to make sure we have this as well if it’s a reference

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Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2 pg. 45929
Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.1 pg. 45929
HUD Coordinated Entry Management & Data Guide/October 2018/ Chapter 2 pg 17

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4.3 **PURPOSE SPECIFICATION AND USE LIMITATION**

A CHO may use or disclose PII only if the use or disclosure is allowed by this Policy. A CHO may assume consent for all uses and disclosures specified in this Policy and for uses and disclosures determined by the CHO to be compatible with those specified in this Policy. This Policy limits the disclosure of PII to the minimum necessary to accomplish the purpose of the disclosure. Uses and disclosures not specified in this Notice can be made only with the consent of the client or when required by law.

A CHO processing PII for the purposes of the AC CoC HMIS and / or the AC CoC CES will agree to additional restrictions on the use or disclosure of the client’s PII at the request of the client, where it is reasonable to do so. This can include, but is not limited to, the following additional restrictions:

1. Entering client PII into the AC CoC HMIS so that it is not shared with any other CHO; or
2. Using de-identified client information when coordinating services through the AC CoC CES.

A CHO, in the exercise of professional judgment, will communicate with a client who has requested additional restrictions, when it is reasonable to agree to these and alternatives in situations where it is not reasonable.

4.4 **OPENNESS**

A CHO must adhere to this Policy describing its practices for the processing of PII and must provide a copy of this Policy to any individual upon request. If a CHO maintains a public web page, the CHO must post the current version of this Policy on the web page. A CHO must post the AC Consumer Notice stating the availability of this Policy to any individual who requests a copy.

This Policy may be amended at any time and amendments may affect PII obtained by a CHO before the date of the change. An amendment to this Policy regarding use or disclosure will be effective with respect to information processed before the amendment, unless otherwise stated.

CHOs are obligated to provide reasonable accommodations for persons with disabilities throughout the data collection process. This may include but is not limited to, providing qualified sign language interpreters, readers or materials in accessible formats such as Braille, audio, or large type, as needed by the individual with a disability. See 24 CFR 8.6; 28 CFR 36.303. Note: This obligation does not apply to CHOs who do not receive federal financial assistance and who are also exempt from the requirements of Title III of the Americans with Disabilities Act because they qualify as “religious entities” under that Act.

In addition, CHOs that are recipients of federal financial assistance shall provide required information in languages other than English that are common in the community, if speakers of these languages are

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Commented [RRA11]: Not something currently done...need to go on CHO MOU agreement...perhaps need sample posting for websites to model this

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Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.2 pg. 45929-45930
Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.3 pg. 45930

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found in significant numbers and come into frequent contact with the program. See HUD Limited English Proficiency Recipient Guidance published on December 18, 2003 (68 FR 70968).

4.5 ACCESS AND CORRECTION
In general, a CHO must allow an individual to inspect and to have a copy of any PII about the individual. A CHO must offer to explain any information that the individual may not understand. A CHO must consider any request by an individual for correction of inaccurate or incomplete PII pertaining to the individual. A CHO is not required to remove any information but may, in the alternative, mark information as inaccurate or incomplete and may supplement it with additional information.

A CHO may reserve the ability to rely on the following reasons for denying an individual inspection or copying of the individual’s PII:

1. Information compiled in reasonable anticipation of litigation or comparable proceedings;
2. Information about another individual (other than a health care or homeless provider);
3. Information obtained under a promise of confidentiality (other than a promise from a health care or homeless provider) 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. A CHO can reject repeated or harassing requests for access or correction.

A CHO 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 PII about the individual.

4.6 ACCOUNTABILITY
A CHO must establish a procedure for accepting and considering questions or complaints about this Policy. A CHO must require each member of its staff (including employees, volunteers, affiliates, contractors and associates) to sign a confidentiality agreement that acknowledges receipt of a copy of this Policy and that pledges to comply with this Policy.

Commented [RRA12]: Sample agreement needed for CHOs

10 Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.4 pg. 45930
11 Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.5 pg. 45930-45931
12 Federal Register/Vol. 69. No. 146/Friday, July 30, 2004/Notices SEC. 4.2.6 pg. 45931

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5 PARTICIPANTS’ RIGHTS AND OPTIONS

5.1 PARTICIPANT RIGHT TO SEE OWN PII AND REQUEST MODIFICATIONS

5.2 PARTICIPANTS MAY REFUSE TO GIVE PII AND STILL RECEIVE SERVICES.

5.3 PARTICIPANTS’ RIGHT TO OPT OUT OF SHARING PII BEYOND CHO?

6 SPECIAL CONSIDERATIONS

This section addresses special considerations for Runaway and Homeless Youth (RHY) Program service providers, per the RHY Program HMIS Manual.

6.1 NO CONSENT REQUIRED FOR DATA COLLECTION

Data collection is the process of collecting and entering information into the AC CoC HMIS or the AC CoC CES by RHY program staff. All RHY projects are required to collect specific data elements, including the HUD Universal Data Elements and program-specific data elements for the RHY-funded project for which they receive funding (Street Outreach Program, Basic Center Program, Transitional Living Program).

The Runaway and Homeless Youth Act requires that a RHY grantee “keep adequate statistical records profiling the youth and family members whom it serves (including youth who are not referred to out-of-home shelter services).”

RHY grantees are not required to obtain youth or parental consent to collect and enter youth data into the AC CoC HMIS or the AC CoC CES.

6.2 CONSENT NEEDED FOR DATA SHARING

Data sharing refers to the sharing of client information per the Policy laid out in this document. For RHY grantees, data can only be shared if written consent is obtained from the parent or legal guardian of a youth who is under age 18, or with written consent from a youth who is 18 or older.

The RHY rule states the following regarding data sharing: Pursuant to the Act, no records containing the identity of individual youth served by a Runaway and Homeless Youth grantee may be disclosed except:

1. For Basic Center Program grants, records maintained on individual youth shall not be disclosed without the informed consent of the youth and parent or legal guardian to anyone other than another organization compiling statistical records, or a government organization involved in the disposition of criminal charges against the youth;

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2. For Transitional Living Programs, records maintained on individual youth shall not be disclosed without the informed consent of the youth to anyone other than an organization compiling statistical records;

3. Research, evaluation, and statistical reports funded by grants provided under section 343 of the Act are allowed to be based on individual youth data, but only if such data are de-identified in ways that preclude disclosing information on identifiable youth;

4. Youth served by a Runaway and Homeless Youth grantee shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records;

5. The Department of Health and Human Services (HHS) policies regarding confidential information and experimentation and treatment shall not apply if HHS finds that state law is more protective of the rights of youth;

6. Procedures shall be established for the training of RHY program staff in the protection of these rights and for the secure storage of records. 45 CFR § 1351.21.

6.2.1 Special Consideration for RHY-Funded Programs

In consideration of the guidance laid out in the RHY Program HMIS Manual, RHY-funded grantees shall enter data into the AC CoC HMIS and/or the AC CoC CES for youth served and seeking services that will not be shared with any other CHO, unless the grantee receives written consent from the youth or parent/legal guardian of the youth served that allows the disclosure of the youth’s PII for the permissible purposes laid out in this Policy.

Commented [RRA15]: How does Boise address DV info..do they?
What is HMIS and Why Should I Use It?

HMIS is a database system used to

- Coordinate efforts to help you obtain and maintain permanent housing
- Secure files electronically
- Ensure these projects continue receiving funding to keep them open
- Reduce the information you have to repeat and answer at multiple agencies

The HMIS system is used by many agencies throughout the county that provide services to homeless and low-income persons. A current list of participating health, housing, and human service agencies that provide housing-related supports is available at (acgov.org/cda/hcd/documents/roi_providers.pdf). HMIS data is used to assess your needs, track and improve services provided, and to match you to helpful resources based on priorities and standards established by the Alameda County HUD Continuum of Care (viewable at everyonehome.org).

When you request or receive services from a program participating in the Alameda County Continuum of Care, information collected about your household is entered into the HMIS system.

What information is shared about me?

My name, social security number, alias, date of birth, gender, race, ethnicity, veteran status, education, employment, if I have a disability, household relationships, living situation, income amount(s) and type, benefit(s) information, if I have health coverage and type, assessments, services needed and provided, and outcomes of services provided, including the name of the projects where I received services. Other information that might be collected (dependent on program) include income, non-cash benefits, health insurance, physical disability, developmental disability, chronic health condition, HIV/AIDS status, mental health, substance abuse, domestic violence, sexual orientation, etc. Additional information may include sharing of my photo and previously collected HMIS data.
Who can view and share information about me?

Information shared about me will ONLY be viewable by the participating agencies listed at (acgov.org/cda/hcd/documents/roi_providers.pdf). Each person or agency with access rights to the HMIS system must sign an agreement to maintain the security and confidentiality of client records.

Funders, cities, and other housing-related planning groups require HMIS to provide reports, which enable them to better understand the people-served, services provided and outcomes achieved. HMIS helps by pooling your data with others for these reports. This supports continued funding and improvement of services and housing projects for you and other homeless and low-income households. In addition, HMIS data is used for research purposes (including coordination with other systems of care), analysis about programs, specific service types, targeting of services, understanding best practices and improvements needed, or other uses to enhance the homeless and housing service delivery system. Keeping your information within the HMIS system helps us pool your data with others for these reports.

You have the right to receive a copy of all information collected about you and shared between the participating agencies. You may also amend and correct information collected about you that may be incorrect.

Client Name (Print): ________________________________________________________________

Accompanying children: ____________________________________________________________

(under the age of 18) ________________________________________________________________

I have received and reviewed the “What is HMIS and Why Should I Use It” information sheet.

Consent to share and view my data:

By signing below, I agree that program intake/exit and service information collected about me and my household can be shared among HMIS participating agencies for the purposes of helping me to obtain and maintain permanent housing.

• I understand that a regularly updated list of the agencies participating in HMIS is available at (acgov.org/cda/hcd/documents/roi_providers.pdf).
Alameda County HMIS HMIS – Release of Information

- I know that the agencies participating in the system (listed at acgov.org/cda/hcd/documents/roi_providers.pdf) must follow strict privacy laws regarding protection of electronic and paper records.
- I understand that this acknowledgement is valid for ten (10) years from the date that I sign this form.
- I understand that my name, date of birth, gender and Social Security Number are used to identify my record in the database.
- I understand that my photo may be shared in the system.
- I understand that my services and project data will be used in reporting and in research or analysis about programs, specific service types, targeting of services, or other uses to improve the homeless and housing service delivery system.

______________________________  ______________________________
Signature of Client               Date                             Agency Representative   Date

_____________________________________________________________
Agency Representative Printed Name
NOTE:
The Alameda County-wide Homeless Continuum of Care Council has chosen to implement some of the "Additional Privacy Protections" listed in this document. Additional Privacy Protections with which participating agencies/jurisdictions are required to comply are bolded in this document.

4.2. Privacy-Requirements

- All CHOs must comply with the baseline privacy requirements described here with respect to: data collection limitations; data quality; purpose and use limitations; openness; access and correction; and accountability.

- A CHO may adopt additional substantive and procedural privacy protections that exceed the baseline requirements for each of these areas.

- A CHO must comply with federal, state and local laws that require additional confidentiality protections.

- All additional protections must be described in the CHO’s privacy notice.

- A CHO must comply with all baseline privacy protections and with all additional privacy protections included in its privacy notice.

- A CHO may maintain a common data storage medium with another organization (including but not limited to another CHO) that includes the sharing of PPI.

- When PPI is shared between organizations, responsibilities for privacy and security may reasonably be allocated between the organizations.

- Organizations sharing a common data storage medium and PPI may adopt differing privacy and security policies as they deem appropriate, administratively feasible, and consistent with these HMIS privacy and security standards, as long as these privacy and security policies allow for the unduplication of homeless clients at the CoC level.
4.2.1. Collection Limitation

Baseline Requirement.

- A CHO may collect PPI only when appropriate to the purposes for which the information is obtained or when required by law.
- A CHO must collect PPI by lawful and fair means and, where appropriate, with the knowledge or consent of the individual.
- A CHO must post a sign at each intake desk (or comparable location) that explains generally the reasons for collecting this information.
- Consent of the individual for data collection may be inferred from the circumstances of the collection.
- Providers may use the following language to meet this standard:

"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 persons, and to better understand the needs of homeless persons. We only collect information that we consider to be appropriate."

Additional Privacy Protections.

A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

1. Restricting collection of personal data, other than required HMIS data elements;

2. Collecting PPI only with the express knowledge or consent of the individual (unless required by law); and

3. Obtaining oral or written consent from the individual for the collection of personal information from the individual or from a third party.
4.2.3. **Purpose Specification and Use Limitation**

**Baseline Requirement**

- A CHO must specify in its privacy notice the purposes for which it collects PPI and must describe all uses and disclosures.
- A CHO may use or disclose PPI only if the use or disclosure is allowed by this standard and is described in its privacy notice.
- A CHO may infer consent for all uses and disclosures specified in the notice and for uses and disclosures determined by the CHO to be compatible with those specified in the notice.
- Except for first party access to information and any required disclosures for oversight of compliance with HMIS privacy and security standards, all uses and disclosures are permissive and not mandatory.
- Uses and disclosures not specified in the privacy notice can be made only with the consent of the individual or when required by law.

**Additional Privacy Protections.**

A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

1. Seeking either oral or written consent for some or all processing when individual consent for a use, disclosure or other form of processing is appropriate;
2. **Agreeing to additional restrictions on use or disclosure of an individual’s PPI at the request of the individual if the request is reasonable.** The CHO is bound by the agreement, except if inconsistent with legal requirements;
3. Limiting uses and disclosures to those specified in its privacy notice and to other uses and disclosures that are necessary for those specified;
4. Committing that PPI may not be disclosed directly or indirectly to any government agency (including a contractor or grantee of an agency) for inclusion in any national homeless database that contains personal protected information unless required by statute;
5. Committing to maintain an audit trail containing the date, purpose and recipient of some or all disclosures of PPI;
6. Committing to make audit trails of disclosures available to the homeless individual; and
7. Limiting disclosures of PPI to the minimum necessary to accomplish the purpose of the disclosure.
4.2.4. Openness

**Baseline Requirement.**

- A CHO must publish a privacy notice describing its policies and practices for the processing of PPI and must provide a copy of its privacy notice to any individual upon request.
- If a CHO maintains a public web page, the CHO must post the current version of its privacy notice on the web page.
- A CHO may, if appropriate, omit its street address from its privacy notice.
- A CHO must post a sign stating the availability of its privacy notice to any individual who requests a copy.
- A CHO must state in its privacy notice that the policy may be amended at any time and that amendments may affect information obtained by the CHO before the date of the change. An amendment to the privacy notice regarding use or disclosure will be effective with respect to information processed before the amendment, unless otherwise stated. All amendments to the privacy notice must be consistent with the requirements of these privacy standards. A CHO must maintain permanent documentation of all privacy notice amendments.
- CHOs are reminded that they are obligated to provide reasonable accommodations for persons with disabilities throughout the data collection process. This may include but is not limited to, providing qualified sign language interpreters, readers or materials in accessible formats such as Braille, audio, or large type, as needed by the individual with a disability. See 24 CFR 8.6; 28 CFR 36.303. Note: This obligation does not apply to CHOs who do not receive federal financial assistance and who are also exempt from the requirements of Title III of the Americans with Disabilities Act because they qualify as "religious entities" under that Act.
- CHOs that are recipients of federal financial assistance shall provide required information in languages other than English that are common in the community, if speakers of these languages are found in significant numbers and come into frequent contact with the program. See HUD Limited English Proficiency Recipient Guidance published on December 18, 2003 (68 FR 70968).

**Additional Privacy Protections.**

A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

1. making a reasonable effort to offer a copy of the privacy notice to each client at or around the time of data collection or at another appropriate time;
2. giving a copy of its privacy notice to each client on or about the time of first data collection. If the first contact is over the telephone, the privacy notice may be provided at the first in-person contact (or by mail, if requested); and/or
3. adopting a policy for changing its privacy notice that includes advance notice of the change, consideration of public comments, and prospective application of changes.
4.2.5. **Access and Correction**

**Baseline Requirement.**

- A CHO must allow an individual to inspect and to have a copy of any PPI about the individual. A CHO must offer to explain any information that the individual may not understand.

- A CHO must consider any request by an individual for correction of inaccurate or incomplete PPI pertaining to the individual.

- A CHO is not required to remove any information but may, in the alternative, mark information as inaccurate or incomplete and may supplement it with additional information.

- In its privacy notice, a CHO may reserve the ability to rely on the following reasons for denying an individual inspection or copying of the individual's PPI:
  
  1. Information compiled in reasonable anticipation of litigation or comparable proceedings;
  2. Information about another individual (other than a health care or homeless provider);
  3. Information obtained under a promise of confidentiality (other than a promise from a health care or homeless provider) 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.

- A CHO can reject repeated or harassing requests for access or correction.

- A CHO 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.

**Additional Privacy Protections.**

A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

1. Accepting an appeal of a denial of access or correction by adopting its own appeal procedure and describing the procedure in its privacy notice;
2. Limiting the grounds for denial of access by not stating a recognized basis for denial in its privacy notice;
3. Allowing an individual whose request for correction has been denied to add to the individual's information a concise statement of disagreement. A CHO may agree to disclose the statement of disagreement whenever it discloses the disputed PPI to another person. These procedures must be described in the CHO's privacy notice; and/or
4. Providing to an individual a written explanation of the reason for a denial of an individual's request for access or correction.
- A CHO must establish a procedure for accepting and considering questions or complaints about its privacy and security policies and practices.
- A CHO must require each member of its staff (including employees, volunteers, affiliates, contractors and associates) to sign (annually or otherwise) a confidentiality agreement that acknowledges receipt of a copy of the privacy notice and that pledges to comply with the privacy notice.

Additional Privacy Protections.

A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

1. Requiring each member of its staff (including employees, volunteers, affiliates, contractors and associates) to undergo (annually or otherwise) formal training in privacy requirements;
2. Establishing a method, such as an internal audit, for regularly reviewing compliance with its privacy policy;
3. Establishing an internal or external appeal process for hearing an appeal of a privacy complaint or an appeal of a denial of access or correction rights; and/or
4. Designating a chief privacy officer to supervise implementation of the CHO’s privacy standards.

Security.

Baseline Requirement.

- A CHO must supervise at all times any paper or other hard copy generated by or for HMIS that contains PPI when the hard copy is in a public area.
- When CHO staff are not present, the information must be secured in areas that are not publicly accessible.
- Written information specifically pertaining to user access (e.g., username and password) must not be stored or displayed in any publicly accessible location.
**HMIS Oversight 2020-21 Work Plan**
October 1, 2020-September 30, 2021

**Goal 1: Ensure the design of the HMIS reflects the needs of the system.** *Per MOU, CoC Board and HMIS Lead work together jointly to collaborate to design and modify the configuration of HMIS projects, such that it meets program reporting and system analysis needs. Analyze system and programmatic data for trends, costs, performance, compliance and progress on Alameda CoC Plan to End Homelessness.*

<table>
<thead>
<tr>
<th>Key Action Steps</th>
<th>Timeline</th>
<th>Expected Outcome</th>
<th>Person/Area Responsible</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solicit input from funders and users on system design changes in Clarity</td>
<td>Ongoing</td>
<td>Provide guidance to HMIS Lead to when implementing changes</td>
<td>HMIS Oversight Committee and Working Group</td>
<td></td>
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<tr>
<td>Solicit input from consumers</td>
<td>Q4</td>
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**Goal 2: Monitor HMIS Lead Performance and Deliverables.** *Per MOU the HUD CoC Committee will “analyze and approve the annual review of the HMIS system’s performance and functionality using HMIS work plan to measure progress.”*

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Develop HMIS Lead Monitoring tool</td>
<td>Q1</td>
<td>Finalize HMIS Lead Monitoring Tool</td>
<td>HMIS Oversight Committee</td>
<td></td>
</tr>
<tr>
<td>Complete HMIS Lead Monitoring</td>
<td>Q2</td>
<td>Develop plan to fill gaps</td>
<td>HMIS Lead completes tool/HMIS Oversight reviews and identifies areas of priority</td>
<td></td>
</tr>
<tr>
<td>Review HMIS Lead's 2021 work plan</td>
<td>Q1</td>
<td>Provide HMIS Lead Work Plan to HUD CoC for approval</td>
<td>HMIS Oversight/HUD CoC Committee</td>
<td></td>
</tr>
<tr>
<td>Track Progress on HMIS Lead work plan</td>
<td>Ongoing</td>
<td>Review work plan quarterly</td>
<td>HMIS Lead tracks and provides updates to HMIS Oversight</td>
<td></td>
</tr>
<tr>
<td>Review 2021 HIC and sheltered PIT</td>
<td>Q2</td>
<td></td>
<td></td>
<td>Usually submitted in March, HUD due date TBD.</td>
</tr>
<tr>
<td>Review System Performance Measures</td>
<td>Begin in Q1 (November) and end in Q2.</td>
<td>Submit required data to HUD. Determine strategies to improve.</td>
<td>HMIS Lead</td>
<td>Submission in March 2021.</td>
</tr>
</tbody>
</table>
Goal 3: Develop and Implement Policies and Procedures. *Per MOU, CoC Committee will review, revise and approve the policies and plans...including but not limited to privacy plan, security plan and data quality plan for the HMIS.*

<table>
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<tr>
<td>Review HMIS Team QI plan</td>
<td>Move from a Data Quality management Plan to a Data Quality Management Program. Provide QI Plan to HUD CoC for approval.</td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
<td></td>
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</tr>
<tr>
<td>Review and update data sharing guides and policies</td>
<td>Review and update ROI.</td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
<td></td>
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<tr>
<td>Review HMIS Privacy and Security Plan</td>
<td></td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
<td></td>
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</tr>
<tr>
<td>Review new agency on boarding policy and procedure</td>
<td>Written policy on agency onboarding and materials.</td>
<td>HMIS Oversight Committee</td>
<td>Includes standard communication and next steps. Look at direct data entry at the funders collab?</td>
<td></td>
</tr>
<tr>
<td>Review Governance</td>
<td>Review and update MOU.</td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
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</tbody>
</table>

Goal 4: Improve Training Curriculum and Communication. *Per MOU, HMIS Lead will “develop and implement HMIS-related training for end users, including regular Privacy and Security Training and software training. Develop written procedures and job aides for users. Solicit feedback through using a variety of mechanisms, such as online forums, surveys and users groups, such as the HMIS User Group...Develop an effective communication plan to reach all HMIS participants to policy and procedures.”*

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<tbody>
<tr>
<td>Review HMIS Lead’s recommendation for defining and operationalizing the agency manager role to better support users</td>
<td></td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
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</tr>
<tr>
<td>Improve training curriculum and evaluate training plan annually.</td>
<td>Build shorter, specific trainings that empower users and improve data quality. Develop resource and training library with how-to documents and other resources.</td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
<td>Consider reviewing how many users pass/fail. Consider developing different trainings for basic, intermediate, and advanced HMIS users</td>
<td></td>
</tr>
<tr>
<td>Support HMIS Lead with standardizing user group meetings</td>
<td>HMIS Lead with support of HMIS Oversight Committee</td>
<td>Ideas include recording meetings and sending to agency managers. Consider other ways to support agency manager role.</td>
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<tr>
<td>Review communication plan</td>
<td>Finalize a communications plan that informs end users on system changes, training opportunities, and HUD requirements</td>
<td>HMIS Oversight Committee</td>
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</tbody>
</table>