

Privacy policy

The purpose for collecting the information is as per HUD requirements and program description and improvements.

Briefly, all potential uses and disclosures of client personal information:

- We will not disclose information without consent other than what's required for mandatory Texas statute reporting (child, elder and disabled abuse; disclosure of harm to self or others).
- We will disclose information to landlord with your consent to be able to place and house you at that property.
- We will disclose information if subpoenaed and we can not quash it.

Additional detailed information below.

Hard copy data will be kept for 5 years and then shred. Electronic data will be retained as long as database exists. Staff remove identifiers of personal information that is not in current use or electronically transmitted unless a release is obtained and necessary to house survivor.

Any amendments to this policy will be documented and added to the consent information provided to participants.

We offer and/or advocate for reasonable accommodations for persons with disabilities and/or language barriers.

Clients are allowed the right to inspect and to have a copy of their client record and offer to explain any information the individual may not understand.

Reasons and conditions when an organization would not release information include quashed subpoena from abusive partners counsel as well as any entity without consent from survivor except when required by state law (listed above)

Procedure for accepting and considering questions or complaints about the privacy policy – please verbally or in writing request information from your case manager, housing services specialist or program management staff.

The following will be kept with mobile advocacy staff and shared with participant upon intake/project entry:

The sign will include the following language:

We collect personal information about individuals in a computer system called a Homeless Management Information System (HMIS) for reasons that are discussed in our privacy policy. We may be required to collect some personal information by organizations that fund the operation of this program. Other personal information that we collect is important to run our programs, to improve services for individuals, and to better understand the needs of individuals. In order to provide or coordinate individual referrals, case management, housing or other services, some client records may be shared with other organizations that are required to have privacy policies in place in order to protect your personal information.

We only collect information that we consider appropriate. If you have any questions or would like to see our privacy policy, our staff will provide you with a copy. You have the right as a client to decline to share your information

Osnium Data Use and Disclosure

The confidentiality of Osnium data will be protected. HCDVCC must collect data by legal and fair means, consistent with the Data Policies and Procedures section of the HMIS Policies and Procedures. HCDVCC may only collect, use, and disclose data for the specific purposes and reasons defined in this section.

The HMIS Lead Agency collects Osnium data from HCDVCC that directly enter data into the TX-700 HMIS System and comparable databases (Osnium) with the knowledge and authority of the CoC Steering Committee. HMIS data may only be collected, used, or disclosed for activities described in this section. The HMIS Lead Agency requires that HCDVCC

notify individuals seeking their assistance that data collection, use, and disclosure will occur. By entering data into the HMIS System, HCDVCC verifies that individuals have provided consent to use and disclose their data for purposes described below and for other uses and disclosures the HMIS Lead Agency determines to be compatible:

- To provide or coordinate individual referrals, case management, housing, or other services. Client records may be shared with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information;
- For functions related to payment or reimbursement for services;
- To carry out administrative functions, including but not limited to audit, personnel oversight, and management functions;
- To produce aggregate-level reports regarding use of services;
- To produce aggregate-level reports for funders or grant applications;
- To create de-identified (anonymous) information;
- To track system-wide and project-level outcomes;
- To identify unfilled service needs and plan for the provision of new services;
- To conduct a study or research project approved by the CoC
- When required by law (to the extent that use or disclosure complies with and is limited to the requirements of the law);
- To avert a serious threat to health or safety if:
 - The use or disclosure is reasonably believed to be necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public; and
 - The use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.
- To report about an individual reasonably believed to be a victim of abuse, neglect, or domestic violence to a governmental authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect, or domestic violence in any of the following three circumstances:
 - Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
 - If the individual agrees to the disclosure; or
 - To the extent that the disclosure is expressly authorized by statute or regulation and either of the following are applicable:
 - HCDVCC 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 HMIS data 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;
 - When such a permitted disclosure about a victim of abuse, neglect, or domestic violence is made, the individual making the disclosure will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:

- In the exercise of professional judgment, it is believed that informing the individual would place the individual at risk of serious harm; or
 - It would be informing a personal representative (such as a family member or friend), and it is reasonably believed that 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 in the exercise of professional judgment.
- To a law enforcement official for a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under any of these 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 HMIS data that:
 - Is signed by a supervisory official of the law enforcement agency seeking the HMIS data;
 - States that the information is relevant and material to a legitimate law enforcement investigation;
 - Identifies the HMIS data 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 it is believed in good faith that the HMIS data constitutes evidence of criminal conduct that occurred on HCDVCC's premises;
 - In response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the HMIS data 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 HMIS data 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.
- To comply with government reporting obligations for HMIS and for oversight of compliance with HMIS requirements.
- To third parties for the following purposes:
 - To permit other systems of care to conduct data matches (i.e., to determine if you are also utilizing services from such other systems of care); and
 - To permit third party research firms and/or evaluators to perform research and evaluation services, as approved by the CoC, relating to the projects administered by the HMIS Lead and the PAs;

Provided that before client-level HMIS data are disclosed under this subsection, the third party that will receive such client-level HMIS data and use it as permitted above must first execute a Data Use and Security Agreement (found in Appendix H of the Policies and Procedures). The Data Use and Security Agreements requires the third party to comply with all applicable laws and regulations, including the privacy standards and disclosure provisions contained in the current HUD HMIS Data and Technical Standards.

The HMIS Lead may share client level HMIS data with contracted entities as follows:

- HCDVCC originally entering or uploading the data to the Houston/Harris County HMIS or comparable database (Osniium).
- Outside organizations under contract with the HMIS Lead Agency or other entities acting on behalf of the Houston/Harris County CoC for research, data matching, and evaluation purposes. The results of this analysis will always be reported in aggregate form; client level data will not be publicly shared under any circumstance.

Entities providing funding to organizations or projects required to use HMIS will not have automatic access to HMIS. Access to HMIS will only be granted by the HMIS Lead Agency when there is a voluntary written agreement in place between the funding entity and the organization or project. In such cases, funder access to HMIS will be limited to data on the funded organization or project. Funding for any organization or project using HMIS cannot be contingent upon establishing a voluntary written agreement allowing the funder HMIS access.

Any requests for reports or information from an individual or group who has not been explicitly granted access to the Houston/Harris County HMIS will be directed to the HMIS Support Committee. No individual client data will be provided to meet these requests without proper authorization.

Before any use or disclosure of Personal Identifying Information (PII) that is not described here is made, the HMIS Lead Agency or PA wishing to make the disclosure will seek the consent of all individuals whose PII may be used or disclosed.

Access and Correction

Clients whose data is collected in HMIS may inspect and receive a copy of their HMIS record by requesting it from the PA that originally collected the information. The HMIS Lead Agency requires the PA to establish a policy to manage such requests and to explain any information a client may not understand.

HCDVCC privacy policy on how requests from clients for correction of inaccurate or incomplete HMIS records are handled as follows. The policy will allow clients to request their HMIS data or request the data be removed from the HMIS. Nothing in this section is intended to indicate that HCDVCC is released from any obligation by any funder to collect required data elements.

If a client requests to have his or her information in the HMIS corrected or removed, and the PA agrees that the information is inaccurate or incomplete, they may delete it or they may choose to mark it as inaccurate or incomplete and to supplement it with additional information. Any such corrections applicable to the data stored in the HMIS system will be corrected within one week of the request date.

In the event that a client requests to view his or her data in the HMIS, HCDVCC's Administrator (Grants Compliance Manager) will keep a record of such requests and any access granted. The Grants Compliance Administrator or Case Manager will provide a copy of the requested data within a reasonable timeframe to the client.

HCDVCC is permitted to establish reasons for denying client requests for inspection of Osnum records. These reasons are limited to the following:

- If the information was compiled in reasonable anticipation of litigation or comparable proceedings;
- If the record contains information about another client or individual (other than a healthcare provider or homeless provider) and the denial is limited to the section of the record containing such information;
- If the information was obtained under a promise of confidentiality (other than a promise from a healthcare provider or homeless provider) and if the disclosure would reveal the source of the information; or
- Disclosure of the information would be reasonably likely to endanger the life or physical safety of an individual.

If HCDVCC denies a request for access or correction, an explanation with the reason for the denial will be provided. HCDVCC will also maintain documentation of the request and the reason for the denial. HCDVCC may reject repeated or harassing requests for access to or correction of an Osnum record.

Data Retrieval and Sharing

Osnum, as implemented in the Houston/Harris/Fort Bend/Montgomery County regions, is a system that will generate reports required by HUD, the CoC, and other stakeholders. This will be at a level that does not identify individuals but can provide accurate statistical data such as numbers served and trend assessments based on data entered by HCDVCC. Data from HMIS will be used to produce CoC and local level statistical reports as well as corresponding reports. These purposes are included in the Data Use and Disclosure section of the Privacy Policies and Procedures.

The HMIS Lead Agency staff has access to retrieve all data in the TX-700 HMIS or comparable database (Osnum). The HMIS Lead Agency will protect client confidentiality in all reporting.

HCDVCC may share clients' personal information with each other for the purposes of determining eligibility and coordinating client services once an agreed upon Release of Information is in place, as outlined in the Data Policies and Procedures section of the Policies and Procedures.

HCDVCC may also retrieve data entered to produce statistical reports including number of clients served and trend assessments for internal purposes, grant applications, and other required reports, within the parameters established by the HMIS Lead.

Grievance

Concerns related to the Houston/Harris County HMIS Privacy Policy and Procedure may be raised according to the procedures outlined in the Client Grievance Policy and Procedure. HCDVCC's policy and regular process for receiving and reviewing complaints from clients about potential violations of the policy is as follows:

- Report grievance to your case manager
- If unsatisfied with the response, please contact the Housing Program Manager at _____
- If unsatisfied with the response, please contact the Housing Program Director at _____
- If unsatisfied with the response, please contact the Executive Director at _____
- If unsatisfied with the response, please contact HUD Houston Field Office:
 - **Address:** 1301 Fannin Street, Suite 2200, Houston, TX 77002
 - **Phone:** (713) 718-3199

HCDVCC should report any violation of their privacy policy to the HMIS Lead Agency. In addition to any corrective actions taken by HCDVCC, the HMIS Lead Agency may also report the findings to the CoC Steering Committee or law enforcement, as appropriate, for further action. Such action may include, but is not limited to the following:

- Suspension of system privileges
- Revocation of system privileges

Individuals sanctioned because of HMIS privacy violations, can appeal to the CoC Steering Committee.

All HMIS end-users are required to comply with this privacy policy. HCDVCC must ensure all end-users involved in Osnium data collection and/or entry receive privacy policy training. End-users must receive and acknowledge receipt of this privacy policy.