



Vermont Homeless Management Information System

Baseline Privacy Policy

The Baseline Privacy Policy is published in the Vermont HMIS Policy and Procedure Manual. To reach the full Policy and Procedure manual: [Vermont HMIS Governance - HMIS Knowledge Base \(helpscoutdocs.com\)](https://helpscoutdocs.com)

3.4 BASELINE PRIVACY POLICY

Collection of Personal Information

Personal information will be collected for HMIS only when it is needed to provide services, when it is needed for another specific purpose of the Partner Agency where a client is receiving services, or when it is required by law. Personal information may be collected for these purposes:

- To provide or coordinate services for clients
- To find programs that may provide additional client assistance
- To comply with government and grant reporting obligations
- To assess the state of homelessness in the community, and to assess the condition and availability of affordable housing to better target services and resources

Only lawful and fair means are used to collect personal information.

Personal information is collected with the knowledge and consent of clients. It is assumed that clients consent to the collection of their personal information as described in this notice when they seek assistance from a Partner Agency using HMIS and provide the Partner Agency with their personal information. Explicit permission is required to share the client's information in HMIS.

Personal information may also be collected from:

- Additional individuals seeking services with a client
- Other private organizations that provide services and participate in HMIS
- Immigration and citizenship status is not and will not be collected in HMIS unless HUD makes a required data element.

Upon request, clients must be able to access the Use and Disclosure of Personal Information policy found below.

Use and Disclosure of Personal Information

These policies explain why a Partner Agency collects personal information from clients. Personal information may be used or disclosed for activities described in this part of the notice. Client consent to the use or disclosure of personal information for the purposes described in this notice, and for reasons that are compatible with purposes described in this notice but not listed, is assumed. Clients must give consent before their personal information is used or disclosed for any purpose not described here.

Personal information may be used or disclosed for the following purposes:

1. To provide or coordinate services to individuals. Client records are shared with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information. If clients access services at one of these other organizations, they will be notified of the agency's privacy and sharing policy.
2. To carry out administrative functions such as legal audits, personnel, oversight, and management functions.
3. For research and statistical purposes. Data released for research and statistical purposes will not include Personally Identifying Information.

4. For academic research conducted by an individual or institution that has a formal relationship with the HMIS Lead Agency. The research must be conducted by an individual employed by or affiliated with the organization or institution. All research projects must be conducted under a written research agreement approved in writing by the Designated HMIS Agency Contacts or Executive Director. The written research agreement must:

- Establish the rules and limitations for processing personal information and providing security for personal information during the research.
- Provide for the return or proper disposal of all personal information at the conclusion of the research.
- Restrict additional use or disclosure of personal information, except where required by law.
- Require that the recipient of the personal information formally agree to comply with all terms and conditions of the written research agreement, and
- Be substituted, when appropriate, by Institutional Review Board, Privacy Board or other applicable human subjects' protection institution approval.

5. When required by law Personal information will be released to the extent that disclosure complies with the requirements of the law.

6. 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 court ordered disclosure goes through the HMIS Lead Agency and is reviewed by the Executive Director for any additional action or comment.

- If the law enforcement official makes a written request for personal information the agency or organization may, but is not required to release client information providing the request meets the following requirements, according to the Federal Register /vol.69 No. 146:

- i. Is signed by a super supervisory official of the law enforcement agency seeking the personal information.
- ii. States how the information is relevant and material to a legitimate law enforcement investigation
- iii. Identifies the personal information sought
- iv. Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought, and
- v. States that de-identified information could not be used to accomplish the purpose of the disclosure
- vi. Be approved for release by the Institute for Community Alliances legal counsel after a review period of seven to fourteen days.

- If the agency believes in good faith that the PPI constitutes evidence of criminal conduct that occurred on the premises of the agency:

- In response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the PPI 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 personal information for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to a foreign head 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 (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.

- Have written consent for participant data release from the respective governing HUD recognized Continuum of Care.

7. For law enforcement or another public official authorized to receive a client's personal information to conduct an immediate enforcement activity that depends upon the disclosure. Personal information may be disclosed when a client is incapacitated and unable to agree to the disclosure if waiting until the individual is able to agree to the disclosure would materially and adversely affect the enforcement activity. In this case, the disclosure will only be made if it is not intended to be used against the individual.

8. To report to a governmental authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect or domestic violence, information about an individual reasonably believed to be a victim of abuse, neglect or domestic violence. When the personal information of a victim of abuse, neglect or domestic violence is disclosed, the individual whose information has been released will promptly be informed, except if:

- it is believed that informing the individual would place the individual at risk of serious harm, or
- a personal representative (such as a family member or friend) who is responsible for the abuse, neglect or other injury is the individual who would be informed, and it is believed that informing the personal representative would not be in the best interest of the individual as determined in the exercise of professional judgment.

9. To comply with government reporting obligations for homeless management information systems and for oversight of compliance with homeless management information system requirements.

ICA may but is not required to disclose HMIS data for law enforcement purposes.

Inspection and Correction of Personal Information

Clients may inspect and receive a copy of their personal information maintained in HMIS. The Partner Agency where the client receives services will offer to explain any information that a client may not understand. The Partner Agency will provide the requested personal information to the client within no more than 60 days or as required by agency guidelines, whichever is soonest.

If the information listed in HMIS is believed to be inaccurate or incomplete, a client may submit a verbal or written request to have their information corrected. Inaccurate or incomplete data may be deleted or marked as inaccurate or incomplete and supplemented with additional information.

A request to inspect or copy one's personal information may be denied if:

- The information was compiled in reasonable anticipation of litigation or comparable proceedings
- The information was obtained under a promise or confidentiality and if the disclosure would reveal the source of the information
- The life or physical safety of any individual would be reasonably endangered by disclosure of the personal information, or
- If requests are made in a repeated and/or harassing manner.

If a request for inspection access or personal information correction is denied, the Partner Agency where the client receives services will explain the reason for the denial. The Partner Agency will provide the reason for denial to the client within no more than 60 days or as required by agency guidelines, whichever is soonest. The client's request and the reason for the denial will be included in the client's record.

Limits on Collection of Personal Information

Only personal information relevant for the purpose(s) for which it will be used will be collected. Personal information must be accurate and complete.

Client files not used in seven years may be made inactive in HMIS. The HMIS Lead Agency will check with Partner Agencies before making client files inactive. Personal information may be retained for a longer period if required by statute, regulation, contract, or another obligation.

Limits on Partner Agency Use of HMIS Client Information

The Vermont HMIS is a shared data system. This system allows Partner Agencies to share client information to coordinate services for clients. However, Partner Agencies may not limit client service or refuse to provide services based on historical data contained in HMIS enrollment dates (as verified by a Partner Agency) may be used towards program eligibility documentation as allowable by HUD, but data within the enrollment may not as it is client self-report. Data is shared with agencies that are listed in the VT Agencies Using HMIS document. This list is subject to change: <https://icanewengland.helpscoutdocs.com/article/282-vermont-hmis-governance>

Youth providers serving clients under the age of 18 must maintain Not Shared HMIS client files. Youth under the age of 18 may not provide either written or verbal consent to the release of their personally identifying information in HMIS, unless they are emancipated or otherwise have the legal authority to do so.

Complaints and Accountability

Questions or complaints about the privacy and security policies and practices may be submitted to the Partner Agency where the client receives services. Complaints specific to HMIS should be submitted to the Designated HMIS Agency Contact and Program Director. If no resolution can be found, the complaint will be forwarded to the System Administrators, and the Partner Agency's Executive Director. If there is no resolution, the Vermont HMIS Advisory Committee will oversee final arbitration. All other complaints will follow the Partner Agency's grievance procedure as outlined in the agency's handbook.

All HMIS users (including employees, volunteers, affiliates, contractors, and associates) are required to comply with this privacy notice. Users must receive and acknowledge receipt of a copy of this privacy notice.