

CMIS Privacy Policies and Procedures

The goal of the Community Management Information Systems (hereafter "CMIS") Privacy Policies and Procedures is to ensure confidentiality and security of all client data captured in the CMIS in conformity with all current regulations related to privacy and data confidentiality rights.

Outlined in this document are the Delaware Continuum of Care (CoC) standards and parameters to be followed by all CMIS Agency Partners (AP). The CoC recognizes its Agency Partners may have established their own policies that meet HUD privacy requirements and the CoC standards set forth herein. This CMIS Privacy Policy and Procedure document is not intended to supplant individual AP privacy policies. As long as AP privacy policies and practices meet the thresholds established in this policy and do not contradict the practices described, APs may establish additional or more stringent requirements for CMIS End Users. Additionally, this policy serves to describe how the CMIS Lead Agency meets the privacy requirements established in HUD privacy standards.

Policy Access and Amendment

The CMIS Lead Agency may amend its privacy policy and practices at any time, subject to the recommendation of the CoC System Solutions Committee. The CMIS Lead Agency may bring issues to the CoC System Solutions Committee as necessary. An amendment may affect data that had been entered in the CMIS before the effective date of any such amendment. This policy is consistent with current privacy standards for HMIS issued by HUD.

This Privacy Policy will be reviewed and amended consistent with the procedure described in the Roles and Responsibilities section of the CoC's CMIS Policies and Procedures.

Applicability

These CMIS Privacy Policies and Procedures apply to the CMIS Lead, APs, and any person accessing CMIS data. AP projects subject to the privacy rules established under the authority of the Health Insurance Portability and Accountability Act (HIPAA) or other more restrictive policies will be honored.

The CMIS Lead Agency and APs will uphold federal and state confidentiality regulations to protect client records and privacy. If an AP is covered by more stringent regulations, such as HIPAA, the more stringent regulations will prevail.

Agency Partner Policy

AP Administrators are responsible for reviewing privacy policies and ensuring consistency with the Delaware CMIS Privacy Policies and Procedures. At times, APs may require more rigorous privacy standards, but they must, at minimum, meet and not contradict the privacy standards set forth herein. In addition, APs must maintain documentation regarding changes to their privacy policies. Each AP will adopt the standard policy or their own, as long as the policy meets and does not contradict with the privacy standards set forth in this document.

Compliance Review

The CMIS Lead Agency is responsible for ensuring CMIS is operated in accordance with HUD

standards. APs are responsible for conducting annual reviews certifying that each participating project complies with the CMIS Privacy Policies and Procedures, and HUD standards. The Delaware CoC, through the CMIS Lead Agency, retains the right to conduct site visits to ensure compliance with these policies and procedures.

- Each Agency will sign CMIS Agency Partner Agreement annually.
- Each User will sign CMIS User Agreement annually.
- Each End User will participate in Data Security and Data Privacy training annually.

Privacy Policy Notice

The CMIS Lead Agency and APs must ensure privacy policies are readily accessible to clients and the public.

Public Access Procedure

The CMIS Lead Agency will post the CMIS Privacy Policy and Procedure on its official website and provide a copy to any individual upon request.

CMIS Data Use and Disclosure

The confidentiality of CMIS data will be protected. APs must collect data by legal and fair means, consistent with these policies and procedures. The CMIS Lead Agency and APs may only collect, use, and disclose data for the specific purposes and reasons defined in this section.

The CMIS Lead Agency collects CMIS data from organizations that directly enter data into CMIS with the knowledge and authority of the CoC System Solutions Committee. CMIS data may only be collected, used, or disclosed for activities described in this section. The CMIS Lead Agency requires that APs notify individuals seeking their assistance that data collection, use, and disclosure will occur. By entering data into CMIS, the AP verifies that individuals have provided the AP with consent to use and disclose their data for purposes described below and for other uses and disclosures the CMIS Lead Agency determines to be compatible:

- For functions relating to Coordinated Entry, which include triage and problem-solving completed by Centralized Intake within Housing Alliance Delaware;
- 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 and/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).

Entities providing funding to organizations or projects required to use CMIS will not have automatic access to CMIS. Funding for any organization or project using CMIS cannot be contingent upon establishing a voluntary written agreement allowing the funder CMIS access.

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

Informed Client Consent Procedure

The CMIS Lead Agency will maintain CMIS data using lawful and fair means. AP privacy policies will include a provision stating the AP will only collect data for purposes outlined in "CMIS Data Use and Disclosure" and/or with the consent of their clients.

Any client seeking assistance from an AP will be notified through a signed consent form that data sharing across APs will occur in CMIS using a Release of Information. The CMIS Lead Agency will assume that client information in CMIS has been entered with the understanding and consent of the client according to these policies and procedures. Clients who do not consent to their information being shared across APs by abstaining from a signed Release of Information can still have their information entered into CMIS, which will be visible only to the AP serving the client. All APs will keep copies of the signed consent on file as well as enter the applicable Release(s) of Information in CMIS. Individual APs may maintain stricter policies relating to client consent to collect and share data with the CMIS Lead Agency.

Signed consent for data sharing is required for most mainstream services, as outlined in the procedure above. The following project types, for the purpose of clients getting access to assistance needed in a crisis, where written documentation is a barrier to providing that access in a timely manner, are excluded from the requirement of written consent. These project types may be permitted to collect verbal consent for client information to be shared across APs in CMIS using Releases of Information in CMIS, for the purposes outlined in "CMIS Data Use and Disclosure," unless funding requirements state otherwise:

- Coordinated Entry
- Street Outreach
- Supportive Services Only programs, at the discretion of CMIS administrative staff where a compelling need is identified

Accessibility Procedure

Each AP that is a recipient of federal assistance will 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 organization.

APs must make reasonable accommodations for persons with disabilities throughout the consent, intake, and data collection processes. 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.

Access and Correction

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

Each AP privacy policy will describe how requests from clients for correction of inaccurate or incomplete CMIS records are handled. The policy will allow clients to request their CMIS data or request the data be removed from the CMIS. No policy in this section is intended to indicate that an AP 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 CMIS corrected or removed, and the AP 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 CMIS system will be corrected within two weeks of the request date.

In the event that a client requests to view his or her data in the CMIS, the AP CMIS Administrator will keep a record of such requests and any access granted. The AP CMIS Administrator or AP Case Manager will provide a copy of the requested data within a reasonable timeframe to the client.

APs are permitted to establish reasons for denying client requests for inspection of CMIS 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;
- Disclosure of the information would be reasonably likely to endanger the life or physical safety of an individual.

If an AP denies a request for access or correction, the AP will explain the reason for the denial. The AP will also maintain documentation of the request and the reason for the denial. APs may reject repeated or harassing requests for access to or correction of a CMIS record. APs are to document this

and send a copy of the document to CMIS Lead Agency for filing.

Data Retrieval and Sharing

CMIS, as implemented by the Delaware CoC, is a system that will generate reports required by HUD, the CoC, and other stakeholders 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 APs. Data from CMIS will be used to produce CoC- and local- level statistical reports as well as corresponding reports.

The CMIS Lead Agency staff has access to retrieve all data in CMIS. The CMIS Lead Agency will protect client confidentiality in all data sharing and reporting.

APs may share PII with each other only for the purposes of determining eligibility and coordinating client services once a valid Release of Information is in place, as outlined in the Data Policies and Procedures section of the CoC's CMIS Policies and Procedures.

APs may also retrieve CMIS 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 CMIS Lead Agency.