

## HMIS Privacy & Security Notice

This notice tells you about how Clackamas, Multnomah, and Washington counties use and disclose your “protected personal information” or “PPI”. It tells you about your rights and our responsibilities to protect the privacy of your PPI. It also tells you how to notify us if you believe that we have violated any of your rights or any of our responsibilities. We must follow the terms of this notice that are currently in effect. This notice will also be available in multiple languages, and you can request a copy in the language most familiar to you.

We are required by law to maintain the privacy of your PPI. We may use or disclose your information to provide you with services, and to comply with legal and other obligations. By requesting services from us and providing us with personal information, you agree to allow us to collect information and to use or disclose it as described in this notice and as otherwise required by law.

This notice is not a legal contract. We reserve the right to change this notice at any time. If this notice is changed, a copy of the revised notice will be available upon request and posted on our websites. An amendment to this notice will be effective with respect to all information processed before the amendment, unless otherwise stated.

You may request a copy of our notice at any time. For more information about our privacy practices, or for additional copies of this notice, please contact us using the information listed at the end of this notice.

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### I. HOMELESS MANAGEMENT INFORMATION SYSTEM.

The Homeless Management Information System (HMIS) was developed to meet data collection requirements made by the United States Congress and the Department of Housing and Urban Development (HUD). Congress passed this requirement in order to get a more accurate count of individuals who are unhoused and to identify the need for and use of different services by those individuals and families.

In addition to collecting information to provide to HUD and comply with law, we use HMIS to provide and coordinate services you receive and carry out administrative functions related to those services, such as payment or reimbursement for services. We also produce statistical information on those who use our services and report this information through various means. More information on how Clackamas, Multnomah, and Washington counties use information in HMIS is provided in this notice, below.

### II. USE AND SHARING OF INFORMATION IN HMIS.

All information that we collect on individuals receiving services is covered by this notice. Generally, the information collected about you, such as your name and the services and referrals for services that you receive, will be entered into our HMIS system – Community Services Software (CSS) – and used only:

- for administrative and operational purposes to improve, provide and coordinate services that can be offered you;

- for functions related to payment or reimbursement for services;
- to monitor, analyze, and evaluate program effectiveness; and
- to prepare aggregate reports and statistical information.

Many service providers use CSS to store their computerized case records and to disclose those records to other HMIS participating agencies. The information we collect and disclose includes PPI -- potentially including but not limited to your name, address, social security number or other identifying number or code, telephone number, or email address -- and information describing the nature of your situation and the services and referrals you receive from us and/or participating service provider agencies. Nearly all agencies using the HMIS disclose their data to other participating agencies, although the data that is shared can vary from agency to agency and program to program. Information may be entered or disclosed without your express consent as permitted by law.

In addition, the entity that supports our use of CSS, WellSky, may access, use, and disclose PPI to provide that support, including for patient matching and claims data sharing, and to facilitate billing, payments, or claims-related activities by any insurance provider, payer, or similar third-party to Clackamas, Multnomah, and Washington counties. WellSky also may aggregate PPI with the data of other individuals stored in HMIS for the creation and maintenance of consumer or patient health records.

Certain minimum client information is shared throughout HMIS in order to avoid creating duplicate client records. Authorized persons at participating community agencies will be able to see the following data elements of all client records:

- |                     |   |
|---------------------|---|
| • First & Last Name | • Name Data Quality                                       |
| • Alias             | • Social Security Number (required for specific services) |
| • SSN Data Quality  | • Gender  |
| • Veteran Status    | • Age   |

Clackamas, Multnomah, and Washington counties will use and disclose your personal information for the purposes described here and for other compatible uses and disclosures:

1. To plan, provide or coordinate services across multiple agencies.
2. To locate other programs that may be able to assist you.
3. For functions related to payment or reimbursement for services.
4. To carry out administrative functions including, but not limited to legal, audit, personnel, planning, analysis, oversight or management functions.
5. Contractual research where privacy conditions are met.
6. Where a disclosure is permitted by law and the disclosure complies with and is limited to the requirements of the law. Instances where this might occur are during a medical emergency, to report a crime against our staff or a crime on our premises, or to avert a serious threat to health or safety, including a person's attempt to harm himself or herself.
7. To comply with legal reporting obligations.
8. In connection with a court order, warrant, subpoena or other court proceeding where disclosure is required.

9. When you otherwise consent to or authorize the disclosure.

When we prepare reports and statistical information, and disclose information from HMIS to other parties for a purpose unrelated to providing services to individuals, we “de-identify” the information before we disclose it. “De-identifying” information means that we remove your PPI from it so that the disclosed information can’t be used to identify you.

Maintaining the privacy and safety of those using our services is very important to us. Information gathered about you is personal and private. We collect information only when appropriate to provide services, manage our organization, or as required by law.

### III. CONFIDENTIALITY RIGHTS.

The privacy and confidentiality practices described in this notice govern our use of information in HMIS and were approved by our Continuum of Care boards, the responsible decision making bodies for the homeless services system. These practices follow all HUD confidentiality regulations that are applicable to Clackamas, Multnomah, and Washington counties, including but not limited to those covering programs that receive funding for homeless services from HUD or another third-party. Separate privacy and security regulations apply to protected health information subject to the Health Insurance Portability and Accountability Act (HIPAA).

Every person and agency that is authorized to read or enter information into the database has been trained on client confidentiality policies and has signed an agreement to maintain the security and confidentiality of the information. Any person or agency that is found to violate their agreement may have their access rights ended and may be subject to further penalties.

### IV. YOUR INFORMATION RIGHTS.

As an individual receiving services from Clackamas, Multnomah, and/or Washington counties, you have the following rights:

1. *Access to your record.* You have the right to review and copy your HMIS record. At your request, we will assist in viewing the record within five working days. If we deny your request for access, you will be provided written documentation regarding your request and the reason for denial. A copy of that documentation will also be included in your services record.
2. *Correction of your record.* You have the right to request to have your record corrected so that information is up-to-date and accurate to ensure fairness in its use. If we deny your request for correction, you will be provided written documentation regarding your request and the reason for denial. A copy of that documentation will also be included in your services record.
3. *Refusal.* In general, services will not be denied should you choose not to share your information. In certain circumstances, the ability to provide some services depends on having certain PPI and therefore, we may have to decline or delay providing you with services if you do not disclose the information needed for those services.
4. *Agency’s Right to Refuse Inspection of an Individual Record.* Clackamas, Multnomah, and Washington counties and their providers may deny you the right to inspect or copy your PPI for the following reasons:
  - a. information is compiled in reasonable anticipation of litigation or comparable proceedings;

- b. information about another individual other than our staff would be disclosed;
  - c. information was obtained under a promise of confidentiality other than a promise from this provider and disclosure would reveal the source of the information; or
  - d. information, the disclosure of which would be reasonably likely to endanger the life or physical safety of any individual.
5. *Harassment.* We reserve the right to reject repeated or harassing requests for access or correction to your HMIS record.
  6. *Grievance.* You have the right to be heard if you feel that your confidentiality rights have been violated, if you have been denied access to your HMIS records, or if you have been put at personal risk, or harmed. Clackamas, Multnomah, and Washington counties have established a formal grievance process for you to use in such a circumstance. To file a complaint or grievance you should contact us at: [HMISinfo@washingtoncountyor.gov](mailto:HMISinfo@washingtoncountyor.gov)

#### V. HOW YOUR INFORMATION WILL BE KEPT SECURE.

Protecting the safety and privacy of individuals receiving services and the confidentiality of their records is of paramount importance to us. Through training, policies, procedures and software, we have taken the following steps to make sure your PPI is kept safe and secure:

1. In the information systems we use for CSS, we have used and will maintain appropriate technical and organizational measures to protect PPI against unauthorized access, accidental or unlawful destruction, loss, alteration, and unauthorized disclosure.
2. Only trained and authorized individuals will enter or view your PPI.
3. Your name and other PPI will not be contained in HMIS reports that are issued to non-funder local, state or national agencies that do not have access to HMIS.
4. Employees receive training in privacy protection and agree to follow strict confidentiality standards before using the system.
5. In addition to WellSky, System Administrators that we employ support the operation of the database. Administration of the database is governed by agreements that limit the use of PPI to the purposes specified in this notice. These agreements further insure the confidentiality of your PPI.

#### VI. BENEFITS OF INFORMATION COLLECTION AND SHARING.

Information you provide that is entered into HMIS can play an important role in our ability and the ability of other agencies to continue providing the services that you and others in the community are requesting. Disclosing information within HMIS to other participating agencies enables better coordination of services across those agencies and can help you to access services faster.

Data collection and sharing also helps to improve our collective understanding of the number of individuals who need services in the community and the types of services needed by different groups of people. This in turn allows us to:

1. Better demonstrate the need for services and the specific types of assistance needed in our area.
2. Make more services available to meet community needs.
3. Plan, improve, and deliver quality services.
4. Keep required statistics for state and federal funders, such as HUD.

VII. COMPLIANCE WITH OTHER LAWS.

Clackamas, Multnomah, and Washington counties comply with all other federal, state and local laws regarding privacy rights. Consult with an attorney if you have questions regarding these rights.

VIII. PRIVACY NOTICE AMENDMENTS.

The policies covered under this Privacy and Security Notice may be amended over time and those amendments will affect information we obtained before the date of the change. All amendments to the Privacy and Security Notice must be consistent with the requirements of the federal standards that protect the privacy of consumers and guide HMIS implementation and operation.

IX. WEBSITE.

We maintain a copy of this Privacy and Security Notice on our websites at:

<https://www.washingtoncountyor.gov/housing/efforts-end-homelessness/hmis>

X. Privacy Notice Change History

1. Version 1.0. January 1, 2023. Initial Policy

