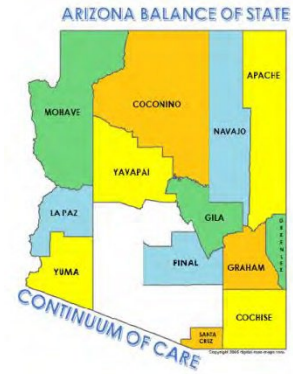




# Arizona Department of Housing

Collaborative Applicant and Unified Funding Agency



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## Arizona Balance of State Continuum of Care HMIS Privacy Policy and Notice

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**Revised: March 5, 2024**

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**A. What This Notice Covers**

1. This notice describes the privacy policy and practices of the Arizona Balance of State Continuum of Care (“AZBOSCOG”) Homeless Management Information System (“HMIS”) and Arizona Department of Housing (ADOH) as the Collaborative Applicant and System Administrator for the AZBOSCOG.
2. The policy describes how the AZBOSCOG collects, may use, and disclose protected personal information (PPI) and additional data collected by covered homeless organizations (CHO) within the AZBOSCOG.
3. The policies and practices in this notice cover the processing of PPI for clients of the AZBOSCOG. This notice covers PPI and data collected and entered in the AZBOSCOG HMIS. It does not apply to medical records or information covered by Health Insurance Portability and Accountability Act (HIPAA) or other legal protections.
4. This notice informs clients, staff, and others how PPI is processed. HMIS users must follow the policy and practices described in this notice.
5. PPI is any information maintained about a client that:
  - a. Allows identification of an individual directly or indirectly;
  - b. Can be manipulated by a reasonably foreseeable method to identify a specific individual, or;
  - c. Can be linked with other available information to identify a specific client.

These policies and procedures aim to be consistent and comply with standards for HMIS issued by the Department of Housing and Urban Development (See 69 Federal Register 45888 (July 30, 2004)).

6. This notice and the policies and practices it describes are subject to change at any time. Amendments may affect PPI obtained before the effective date of the amendment.
  - a. Amendment Process - all amendments to this Privacy Notice and related policies and procedures are drafted by the AZBOSCOG HMIS Committee, consisting of representatives from AZBOSCOG HMIS users. The AZBOSCOG HMIS Committee submits recommended amendments to the AZBOSCOG Governance Advisory Board (GAB) for final approval. If approved by the GAB, this Privacy Notice and the related policies and procedures will be amended and distributed throughout the AZBOSCOG.

The Privacy Policy and Notice will be reviewed on an annual basis.

7. This privacy notice must be at all Continuum of Care (CoC) intakes and service sites where PPI is collected. Clients may also request a copy of this form from any provider participating in AZBOSCOG and/or HMIS system. This Privacy Notice is maintained on the HMIS website as well as the AZBOSCOG webpage located at <https://housing.az.gov/documents-links/forms/special-needs-continuum>.

A written copy of this Privacy Notice may also be requested by contacting the ADOH AZBOSCOG Coordinator:

1110 West Washington, Ste. 280

Phoenix, AZ 85007

E-mail: [Cristina.Benitez@azhousing.gov](mailto:Cristina.Benitez@azhousing.gov)

Phone: 602.771.1017

## **B. How and Why PPI is Collected**

1. PPI is only collected when appropriate, to provide services or for another specific purpose of the organization, or when required by law. Information may be collected for these purposes:
  - a. To provide or coordinate services to clients;
  - b. To locate other programs within and outside the homeless services system that may be able to assist clients;
  - c. For functions related to payment or reimbursement from others for services provided;
  - d. To operate organizations, including administrative functions such as legal, audits, personnel, oversight, and management functions;
  - e. To comply with governmental reporting obligations;
  - f. When required by law;
  - g. To better provide for the safety, physical and mental health and well-being of persons experiencing homelessness seeking assistance; and
  - h. To improve the overall system of homeless services and supports.

2. Only lawful and fair means are used to collect PPI. Refusal to provide information or share information will not result in refusal or ineligibility for services, although service referrals, service coordination, program eligibility, and placement may take longer and require additional data collection if PPI or sharing is withheld.
3. PPI is collected with the consent of clients. If assistance is sought and the client provides PPI, it is assumed that the client consents to the collection of information as described in this notice.
4. Information about the client may also be collected from:
  - a. Individuals who are with clients;
  - b. Other private organizations that provide services;
  - c. Telephone directories, public records, and other published sources; and
  - d. Verifications of government agencies or providers identified as connected to a client.  
Ex: VA Hospital, Probation, Parole, Health Care Provider
5. As an additional option, providers may choose to post a sign at an intake desk or other location explaining the reasons for which PPI is requested. Please note: the HMIS privacy standards notification sign is not **in place of** the Request for Information (ROI) but may be used as an additional layer of notification.

The sign says:

“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 fund us to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless individuals, and to better understand the needs of persons experiencing homelessness. We only collect information that we consider to be appropriate.”

### **C. How PPI is Used and Disclosed**

1. PPI is used and disclosed for activities described in this part of the notice at the discretion of the agency. It is assumed the client consents to the use or disclosure of PPI for the purposes described here and for compatible reasons:
  - a. To **provide or coordinate services** to individuals. Client records are shared with other organizations that may have additional privacy policies and that may allow different uses and disclosures of the information (ex: Veterans Administration, Regional Behavioral Health Authorities);

- b. For functions related to **payment or reimbursement for services**;
- c. To **carry out administrative functions** such as legal, audits, personnel, oversight, and management functions;
- d. To **create de-identified (anonymous) information** that can be used for research and statistical purposes without identifying clients;
- e. **When required by law** to the extent that use or disclosure complies with and is limited to the requirements of the law;
- f. **To avert a serious threat to health or safety** if:
  - 1) 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.
- g. **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 these reports:
  - 1) Under any of these circumstances:
    - a) Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
    - b) If the individual agrees to the disclosure, or
    - c) To the extent that the disclosure is expressly authorized by statute or regulation; and
    - d) The disclosure is necessary to prevent serious harm to the individual or other potential victims; or
    - e) If the person is incapable of consenting, a law enforcement officer or other authorized public official can assert that the PPI being requested is not meant to be used against the individual. Enforcement should also state that an immediate enforcement action relying on the disclosure would be significantly hindered by waiting for the individual to consent.

- 2) When a permitted disclosure about a victim of abuse, neglect, or domestic violence is made, the individual who is the victim will be promptly informed that a disclosure has been or will be made, except if:
  - a) In the exercise of professional judgment, it is believed informing the individual would place the individual at risk of serious harm, or;
  - b) If a personal representative (such as a family member or friend) is reasonably believed to be responsible for the abuse, neglect, or other injury, thus informing the personal representative would not be in the best interests of the individual as is determined in the exercise of professional judgment.

**h. For academic research purposes:**

- 1) Conducted by an individual or institution that has a formal relationship with the CHO if the research is conducted either:
  - a) By an individual employed by or affiliated with the organization for use in a research project conducted under a written research agreement approved in writing by a designated CHO program administrator (other than the individual conducting the research), or;
  - b) By an institution for use in a research project conducted under a written research agreement approved in writing by a designated CHO program administrator.
- 2) In any written research agreement:
  - a) Rules and limitation must be established for the processing and security of PPI in the course of the research;
  - b) The return or proper disposal of all PPI must be provided at the conclusion of the research;
  - c) There are restrictions for the use of additional or disclosure of PPI, except where required by law;
  - d) The recipient of data formally agrees to comply with all terms and conditions of the agreement; and;
  - e) It is not a substitute for approval (if appropriate) of a research project by an Institutional Review Board, Privacy Board, or other applicable human subjects protection institution.

- i. 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:
  - 1) In response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena;
  - 2) If the law enforcement official makes a written request for PPI that:
    - a) Is signed by a supervisory official of the law enforcement agency seeking the PPI;
    - b) States that the information is relevant and material to a legitimate law enforcement investigation;
    - c) Identifies the specific PPI sought;
    - d) Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
    - e) States that de-identified information could not be used to accomplish the purpose of the disclosure.
  - 3) If believed in good faith that the PPI constitutes evidence of criminal conduct that occurred on the premises;
  - 4) 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
  - 5) If:
    - a) The official is an authorized federal official seeking PPI 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
    - b) 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.

- j. To comply with **government reporting obligations** for homeless management information systems and for oversight of compliance with homeless management information system requirements.
  - k. To assist in providing follow up services or care including housing based supportive services. Shared information may include last known location, last provider of record, or contact information.
2. Before any use or disclosure is made for an individual PPI that is not described here, consent will be sought first.

**D. How to Inspect and Correct Personal Information**

- 1. PPI may be inspected and a copy obtained by a client. Any information will be explained that needs clarification.
- 2. The local HMIS representative agency (case management staff) will consider a request for correction of inaccurate or incomplete PPI that is maintained about an individual. If agreed that the information is inaccurate or incomplete, it may be deleted or it may be marked as inaccurate or incomplete and be supplemented with additional information.
- 3. To inspect, get a copy of, or ask for correction of information, the client's case manager will assist the client in submitting their request through a centralized request portal in order to document and track the reason for the request and the status of the response. All requests must be submitted to [HMIS-Support@Solari-inc.org](mailto:HMIS-Support@Solari-inc.org).
- 4. Inspection or copying of PPI may be denied if:
  - a. The information was compiled in reasonable anticipation of litigation or comparable proceedings;
  - b. The information is about another individual (other than a health care provider or homeless provider);
  - c. The information was obtained under a promise of confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; or
  - d. Disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.



5. If a request for access or correction is denied, the reason for the denial will be provided. Documentation of the request and the reason for the denial will be maintained in the records.
6. Repeated or harassing requests for access or correction may be rejected.

**E. Data Use and Security**

1. PPI is only collected that is relevant to the purposes for which the use is planned. To the extent necessary for those purposes, only accurate, complete, and timely PPI is maintained.
2. Client PPI exported from the system, either printed or electronic file types, poses a security risk. Client information should only be copied out of the secure HMIS database when necessary. Exported documents with client information will be handled with care and are immediately destroyed after use and are stored in a locked or otherwise secured area.
3. PPI will be disposed of, and personal identifiers will be removed when not in current use, seven years after the information was created or last changed.
4. Information may be kept for a longer period if required to do so by statute, regulation, contract, or other requirement.

**F. Complaints and Accountability**

Questions or complaints about the privacy and security policies and practices will be accepted and considered. Any complaints or grievances may be presented in writing to the local HMIS Representative Agency or via mail or e-mail to the ADOH AZBOSCOG CoC Coordinator at:

1110 West Washington, Ste. 280  
Phoenix, AZ 85007  
E-mail: [Cristina.Benitez@azhousing.gov](mailto:Cristina.Benitez@azhousing.gov)  
Phone: 602.771.1017

Complaint and/or grievance issues will be documented by the ADOH AZBOSCOG CoC Coordinator and will be investigated within seven (7) business days. An investigation may include review of HMIS records, interviews with the person filing the grievance, and any agency or organization named in the grievance. Grievance should include desired remedy and contact phone number, physical address, and/or e-mail address for follow-up.

All staff members (including employees, volunteers, affiliates, contractors, and associates) are required to comply with this privacy notice. Each staff member must receive and acknowledge receipt of a copy of this privacy notice.

**G. Privacy Policy and Notice Change History**

1. November 14, 2014 – Initial Policy
2. August 3, 2017 –Review and Update
3. Dec 18, 2018- Review and Update
4. October 2, 2019- Review and Update
5. March 5, 2024- Review and Update