

# **Baseline Privacy Notice for Homeless Shelter Programs**

## **Brief Summary**

**July 21, 2017**

This notice summarizes the privacy policy of the Middlesex Human Service Agency, Inc. We may amend this policy at any time. We collect personal information only when appropriate. We may use or disclose your information to provide you with services. We may also use or disclose it to comply with legal and other obligations. We assume that you agree to allow us to collect information and to use or disclose it as described in this notice. You can inspect personal information about you that we maintain. You can also ask us to correct inaccurate or incomplete information. You can ask us about our privacy policy or practices. We respond to questions and complaints. Read the full notice for more details. Anyone can have a copy of the full notice upon request.

# MHSA Privacy Notice for Homeless Shelter Programs

March 1, 2017

## A. What This Notice Covers

1. This notice describes the privacy policy and practices of Middlesex Human Service Agency, Inc. (hereinafter, "MHSA") DHCD contracted programs, namely: Bristol Lodge Men's and Women's Shelters; Mary's House; the Congregate Emergency Family Shelter and the Scattered Sites/Stabilization Programs (hereinafter collectively referred to as the "MHSA Homeless Programs"). Our main office is located at 50 Prospect Street, Suite 3, Waltham, MA 02453. The telephone number is (781) 894-6110 and the fax number is (781) 647-0412.
2. The policy and practices in this notice cover the processing of protected personal information for clients of MHSA Homeless Programs.

### **Scope of Policy**

Personal information is collected in the first instance from homeless clients of the MHSA Homeless Programs in order to insure that sufficient data is available for purposes of providing a full-range of services. Information is maintained, and disseminated only to the extent necessary to assist in procuring suitable, appropriate permanent housing.

Such information may include, but is not necessarily limited to:

Name, social security number, housing history, medical information, emergency contact information, credit information, employment information, education information, race, ethnicity, veteran status information, and photocopies of a social security card, insurance cards, driver's license, Massachusetts identification cards, and other forms of photo identification.

Most information maintained is in written or printed paper form, some is maintained electronically.

3. Protected Personal Information (PPI) is any information we maintain 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. When this notice refers to personal information, it means PPI.
4. We adopted this policy to meet standards for Homeless Management Information Systems issued by the Department of Housing and Urban Development. We intend our policy and practices to be consistent with those standards. See Page 69 Federal Register 45888 (July 30, 2004).
5. This notice tells our clients, our staff, and others how we process personal information. We follow the policy and practices described in this notice.
6. We may amend this notice and change our policy at any time. Amendments may affect personal information that we obtained before the effective date of the amendment.

### **Notice Amendment Process**

Recommendations for policy and procedure changes may be submitted by any staff member to members of the privacy and confidentiality committee comprised of Directors of all MHSA Shelter Programs or their designees, the MHSA Chief Operating Officer, MHSA Director of Programs, the MHSA Homeless Program Clinical Director, and the MHSA Director of Human Resources. This committee will convene quarterly to review the existing policy and the current notice, as well as to consider amendments. The committee will also convene on an 'as-needed basis' to consider any matter deemed substantive and requiring immediate attention by any committee member.

7. We give a written copy of this privacy notice to any individual who asks.
8. We maintain a copy of this policy on our website at [www.mhsainc.org](http://www.mhsainc.org).

#### **B. How and Why We Collect Personal Information**

1. We collect personal information only when appropriate to provide services or for another specific purpose of our program or when required by law. Information may be collected through interviews, written reports, mail, electronic mail, facsimile copies, and other means. We may collect information for these purposes:

## **Collection Purposes**

- a. to provide or coordinate services to clients;
- b. to locate other programs that may be able to assist clients;
- c. for functions related to payment or reimbursement from others for services that we provide;
- d. to operate our program, including administrative functions such as legal, audits, personnel, oversight, and management functions;
- e. to comply with government reporting obligations;
- f. to comply with pertinent law, regulation or state agency policy
- g. to better understand the population we serve in order to serve them better

2. We only use lawful and fair means to collect personal information.
3. We normally collect personal information with the knowledge or consent of our clients. If you seek our assistance and provide us with personal information, we secure your consent to the collection of information as described in this notice.
4. We may also get information about you from the following:

## **Information Sources**

- a. Individuals who are with you, or who know you, including friends, family members, medical providers, and coworkers
- b. Other private organizations that provide services including, but not limited to, Metropolitan Boston Housing Partnership (“MBHP”), credit bureaus and other providers.
- c. Government agencies, including but not necessarily limited to: Mass. Department of Housing and Community Development (“DHCD”); Mass. Department of Transitional Assistance (“DTA”); Mass. Department of Children and Families (“DCF”); Mass. Criminal History Systems Board (“CHSB”) [‘CORI’]; U.S. Social Security Administration (“SSA”); and local Housing Authorities.
- d. Telephone directories and other published sources
- e. Education programs and schools including but not necessarily limited to, Early Intervention programs, public school systems, Head Start and Creative Start.
- f. The Court System

5. We post a sign at our intake desk or other location explaining the reasons we ask for personal information. The sign says:

“This notice summarizes the privacy policy of the Middlesex Human Service Agency, Inc. We may amend this policy at any time. We collect personal information only when appropriate. We may use or disclose your information to provide you with services. We may also use or disclose it to comply with legal and other obligations. We assume that you agree to allow us to collect information and to use or disclose it as described in this notice. You can inspect personal information about you that we maintain. You can also ask us to correct inaccurate or incomplete information. You can ask us about our privacy policy or practices. We respond to questions and complaints. Read the full notice for more details. Anyone can have a copy of the full notice upon request.”

### **C. How We Use and Disclose Personal Information**

1. We use or disclose personal information for activities described in this part of the notice. We may or may not make any of these uses or disclosures with your information. We assume that you consent to the use or disclosure of your personal information for the purposes described here and for other uses and disclosures that we determine to be compatible with these uses or disclosures:
  - a. to **provide or coordinate services** to individuals
  - 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) we believe that 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 we reasonably believe 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---

(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**

(I) we believe the disclosure is necessary to prevent serious harm to the individual or other potential victims, **or**

(II) 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 PPI 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;

**and**

(2) when we make a permitted disclosure about a victim of abuse, neglect or domestic violence, we will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:

(a) we, in the exercise of professional judgment, believe informing the individual would place the individual at risk of serious harm, **or**

(b) we would be informing a personal representative (such as a family member or friend), and we reasonably believe 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 we determine in the exercise of professional judgment.

h. for **academic research purposes---**

- (1) conducted by an individual or institution that has a formal relationship with MHSa 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 MHSa 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 MHSa administrator.

**and,**

- (2) any written research agreement:
  - (a) must establish rules and limitations for the processing and security of PPI in the course of the research
  - (b) must provide for the return or proper disposal of all PPI at the conclusion of the research
  - (c) must restrict additional use or disclosure of PPI, except where required by law
  - (d) must require that the recipient of data formally agree to comply with all terms and conditions of the agreement, **and**
  - (e) 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 consent 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 seeking the PPI

- (b) states that the information is relevant and material to a legitimate law enforcement investigation
  - (c) identifies the 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 we believe in good faith that the PPI constitutes **evidence of criminal conduct** that occurred on our 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, 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;

and,

- j. to comply with **governmental reporting obligations** for the homeless management information systems and for oversight of compliance with homeless management information system requirements.
- 2. Before we make any use or disclosure of your personal information that is not described here, we seek your consent first.

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

- 1. You may inspect and have a copy of your personal information that we maintain. We will offer to explain any information that you may not understand.

2. We will consider a request from you for correction of inaccurate or incomplete personal information that we maintain about you. If we agree that the information is inaccurate or incomplete, we may delete it or we may choose to mark it as inaccurate or incomplete and to supplement it with additional information.
3. To inspect, get a copy of, or ask for correction of your information:

## **Access and Correction**

To inspect a copy, receive a copy, or request a correction to your information maintained by an MHSA Homeless Program, simply deliver or mail a written request to the attention of the Program Director. Barring any circumstance as described in paragraph 4, below, your request will be addressed within five (5) business days. Any correction requested will be reviewed with you prior to the completion of the same at that time, with any correction, if deemed appropriate to be completed within three (3) business days.

4. We may deny your request for inspection or copying of personal information 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 we deny a request for access or correction, we will explain the reason for the denial. We will also include, as part of the personal information that we maintain, documentation of the request and the reason for the denial.
6. We may reject repeated or harassing requests for access or correction.

### **E. Data Quality and Maintenance**

1. We collect personal information in the manner described in Section B. It is generally entered into a database maintained electronically in the Efforts to Outcomes (“ETO”) System or via ‘hard-copy’ maintained in secure file cabinets, accessible only to authorized staff for authorized uses and purposes. Paper or hard-copy data specifically is stored in a locked cabinet, generally in the Program Director’s or

Clinical Director's office. All Medical Information and CORI are maintained in locked files in separate, locked files. All files are maintained for a minimum of seven (7) years, as described below.

2. We collect only personal information that is relevant to the purposes for which we plan to use it. To the extent necessary for those purposes, we seek to maintain only personal information that is accurate, complete, and timely.
3. We have developed and regularly implement a plan to dispose of personal information, not in current use, seven (7) years after the information was created, received or last changed.
4. We may keep information for a longer period if required to do so by statute, regulation, contract, or other requirement.

**F. Complaints and Accountability**

1. We accept and consider questions or complaints about our privacy and security policy and practices.

### **Complaint Procedures**

Recommendations, complaints and grievances pertaining to matters of privacy policy and practices are received and addressed in the same manner as such in any other aspect of MHSA Homeless Programs. See Schedule F1, the current policy and procedure, and corresponding forms, attached to the hard-copy available at each program facility.

2. All members of our staff (including employees, interns, 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.

**NOTE: THIS PRIVACY NOTICE WAS ADOPTED BY MHSA ON MARCH 1, 2017 AND HAS NOT YET BEEN CORRECTED OR REVISED**