

Wisconsin ServicePoint

BASELINE PRIVACY STANDARD

Policy:

Agency staff will follow the HUD HMIS Data Standards in regard to individual client-level data.

Standard:

To outline the procedures and protocol for issues around sharing and

Supporting Documents:

Consumer Notice

Resources:

HMIS WEB SITE (WISP)

<https://wisconsin.servicept.com>

HMIS INFOmed

www.hmis.info/default.asp

Wisconsin HMIS

<http://wisp.wi.gov>

WISP HELP

sphelp@commerce.state.wi.us

How, When and Why We Collect Personal Information

1. We collect personal information only when appropriate to provide services or for another specific purpose of our organization or when required by law. We may collect information for these purposes:
 - a. To provide or coordinate services to clients
 - b. To locate other programs that may be able to assist clients
 - c. To comply with government and grant reporting obligations
 - d. To assess the state of homelessness and the condition and availability of affordable housing in our community to better target services and resources
 - e. When required by law

We only use lawful and fair means to collect personal information.

2. 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 assume that you consent to the collection of information as described in this notice,
3. If we, in the exercise of professional judgment, reasonably believe you to be a victim of abuses, neglect or domestic violence or if you report that you are a victim of abuses, neglect or domestic violence then we require explicit permission to both enter and share your information in the HMIS.
4. We may also get information about you from:
 - a. Individuals who are with you
 - b. Other private organizations that provide service and that participate in the HMIS.
5. We post a sign at our intake desk or other locations explaining the reasons we ask for personal information. The sign says:

How We Use and Disclose Personal Information

We may 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. We share client records with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information. If you access services at one of these other organizations you will be notified of their privacy and sharing policy.* {OPTIONAL}

b. To carry out administrative functions such as legal audits personnel, oversight, and management functions.

c. To create de-identified (anonymous) information that can be used for

research and statistical purposes without identifying clients.

d. When required by law to the extent that use or disclosure complies with and is limited to the requirements of the law.

e. 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 abuses, 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 circumstance

(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 reasonable 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 interest 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 our organization 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 the designated agency administrator or executive director.
- (b) By an institution for use in a research project conducted under a written research agreement approved in writing by the designated agency administrator or executive director.

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 and 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 if that:
 - (a) Court ordered disclosure goes through the State of Wisconsin, Department of Commerce and is reviewed by the Department Secretary for any additional action or comment.
- (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 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) Is approved for release after a review period of seven to fourteen days by the State of Wisconsin, Department of Commerce legal council.

(3) If we believe in good faith that the PPI constitutes evidence of criminal conduct that occurred on our premise.

(4) If 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 a 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 (threats against the President and others), and

(5) 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 government reporting obligations for 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.

How to Inspect and Correct your Personal Information

1. You may inspect and have a copy of your person 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 inaccurate or incomplete personal information that we maintain about you. To obtain your information submit a verbal or written request to program staff who will then work with the Agency Administrator to pull that information.
4. We may deny your request for inspection or copying of person information if:
 - a. The information was compiled in reasonable anticipation of litigation

- or comparable proceedings
- b. The information was obtained under a promise or confidentiality and if the disclosure would reveal the source of the information, or
- c. 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.

Data Quality

1. We collect only personal information that is relevant to the purpose 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.

2. We are developing and implementing a plan to dispose of personal information not in current use seven years after the information was created or last changed. As an alternative to disposal we may choose to remove identifiers from the information.

3. We may keep information for a longer period if required to do so by statute, regulation, contract or other requirement.

Complaints and Accountability

1. We accept and consider questions or complaints about our privacy and security policies and practices. Complaints specific to the HMIS will be forwarded to the HMIS agency administrator and program director. If no resolution can be found, the complaint will then go to system administrators at the Bureau of Housing in the Department of Commerce and the agency's executive director. If no resolution can be made still, then final arbitration will be handled by the Wisconsin HMIS Steering Committee. All other complaints will follow the agency's grievance procedure as outlined in the agency's handbook.

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