



## Massachusetts Balance of State Continuum of Care

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### HMIS Confidentiality and Privacy Plan

The following Confidentiality and Privacy Plan for the Balance of State CoC's Homeless Management Information System (MA-516 HMIS) is designed to fulfill the requirement of developing and implementing written procedures to ensure confidentiality (24 CFR § 578.103(b)(i)) with which all HUD recipients and subrecipients must comply. This requirement applies to both Homeless Management Information Systems (HMIS) and comparable databases. This policy is intended to be consistent with the HUD standards for HMIS issued by the United States Department of Housing and Urban Development (HUD) in July of 2004 (69 Federal Register 45888) – [Final HMIS Data and Technical Standards Notice](#).

Any organization or agency, including its employees, volunteers, and contractors, that uses the HMIS in any way, including reporting and administration, is a Covered Homeless Organization (CHO).

All end users and administrators must adhere to this Privacy Plan. It is the responsibility of the CHO's HMIS Administrator to monitor compliance with standards of client privacy outlined in this document. The Continuum of Care (CoC) Grant Managers, Emergency Solutions Grant (ESG) Managers, and/or CoC HMIS Administrator may conduct a compliance audit during regular site visits.

In addition to requirements established by HUD, this plan requires that all CHOs covered under it comply with any applicable Federal, State, and/or local laws and industry privacy standards requiring additional confidentiality protections, including, but not limited to:

- The Confidentiality of Alcohol and Drug Abuse Patient Records Rule (42 CFR § 2);
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 13925);

- Massachusetts General Law Part I Title X Chapter 66A (GL Chapter 66A);
- Massachusetts General Law Part I Title XV Chapter 93H (GL Chapter 93H);
- Enterprise Information Security Policies and Standards or any successor standard thereto; and
- 201 CMR 17: Standards for the protection of personal information of residents of the Commonwealth,

as well as any other standard established for substance abuse, legal services, and domestic violence providers. All agencies using the HMIS in any way are considered CHOs.

A limited number of agencies may also be subject to The Health Insurance Portability and Accountability Act (HIPAA) of 1996 (45 CFR § 160 and § 164). Please see [Covered Entities and Business Associates | HHS.gov to determine applicability.](#)

The foundation of this Confidentiality and Privacy Policy is outlined in both the Balance of State Continuum of Care's **HMIS Privacy Notice for Homeless Organizations** and the Balance of State Continuum of Care's **HMIS Participation Agreement** between the Massachusetts Department of Housing and Community Development and CHOs. The latter includes the following requirements of participating CoC agencies:

- The CHO agrees to post a privacy notice in all places where clients are interviewed or provide a copy of said privacy notice to clients. This notice must address the collection and recording of Protected Personal Information (PPI), as defined in Balance of State Continuum of Care's **HMIS Privacy Notice for Homeless Organizations**. The CHO understands that the collection and disclosure of disability-specific information or information about domestic violence requires the written consent of the consumer, notwithstanding any presumption, advertised or not, that a consumer's request for program services or disclosure of personal information constitutes unwritten consent for such collection and disclosure by the CHO. In the event that the CHO's privacy notice

differs from the CoC's privacy notice, the most restrictive privacy notice must be implemented.

- The CHO will not divulge any confidential information received from the HMIS to any organization or individual who is not expressly authorized to receive such information without proper written consent by the client, unless otherwise permitted by applicable regulations or laws.
- The CHO will ensure that all persons who are issued a User Identification and Password to access the HMIS abide by this Participation Agreement, including all associated confidentiality provisions. The CHO will be responsible for oversight of its own related confidentiality requirements.
- The CHO agrees that it will ensure that all persons issued a User ID and Password will complete a formal training on privacy and confidentiality and demonstrate mastery of that information, prior to activation of their User License.
- The CoC's confidentiality, security, and privacy policies also apply to any information downloaded from the system by the CHO and its users.
- The CoC may change this policy at any time; the CHO understands that they must review and revise their Privacy Notice to comply with the changes.

## CoC Privacy Plan Documents

Document Name	Description	CHO Requirements
<b>HMIS Privacy Notice for Homeless Organizations</b>	Describes how and why personal information is recorded, disclosed, and protected. It details the privacy policies and practices of the CoC.	All participating agencies must adopt a privacy notice that meets all minimum standards as outlined in the <a href="#">Final HMIS Data and Technical Standards Notice</a> .
<b>Privacy Notice Posting</b>	States the type of information the CoC collects through its HMIS, and the reason why such information is collected.	All participating agencies should adopt the language of this posting and adapt it to fit their name, logo, and other CHO branding. The Privacy Notice Posting should be prominently displayed wherever clients receive services.
<b>HMIS CHO Participation Agreement</b>	An agreement between the Balance of State CoC/DHCD and prospective HMIS-participating agencies. This document details the roles and responsibilities of the involved parties regarding proper software use, HMIS data, protection of client privacy, and adherence to confidentiality rules outlined by HUD.	All participating agencies must read, review, sign, and submit this agreement before they can participate in the Balance of State's HMIS.

Document Name	Description	CHO Requirements
<b>HMIS User Participation Agreement</b>	A form to be completed by all users before gaining access to the HMIS database. This document outlines the responsibilities and conduct expected from HMIS users regarding the protection of client privacy.	All users in participating agencies must read, review, sign, and submit this form to the appropriate BoS staff before obtaining access to the database.

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## Revision History

Date	Version Number	Revision
	1.0	Original document created.

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