

HMIS Privacy Policy

This document describes the Homeless Management Information System (HMIS) Privacy Policy of the Maryland Balance of State Continuum of Care (MD BoS CoC / CoC). The MD BoS HMIS Privacy Policy is administered by the HMIS Lead Team.

The CoC collects only the Personally Identifiable Information (PII) that is relevant to the purposes described in this document. To the extent necessary for those purposes, the CoC seeks to maintain PII that is accurate, complete, and timely

The CoC may amend the HMIS Privacy Policy at any time. Amendments may affect *Personally Identifiable Information* (PII) that MD BoS HMIS Partner Agencies (also referred to as Partner Agencies) obtained before the effective date of the amendment. Any changes to this policy will be disseminated via *HMIS Home: System News*, [MD BoS HMIS Website](#), &/or *HMIS Newsletters*.

This policy applies to the PII of individuals whose personal data is collected verbally or in written form &/or maintained in hard copy or in electronic formats in HMIS.

Privacy is the expectation that a person's sensitive information is protected and not being shared with others without their consent. All persons receiving services from the MD BoS CoC have a right to know where their information is being stored, who has access to it, and what it is being used for.

What this document covers

- This document describes the privacy policy and procedures of the MD BoS HMIS, administered by the MD BoS HMIS Lead.
- This document informs clients, Partner Agency End Users (including staff, volunteers, contract employees, and associates), Funders, and others how *Personally Identifiable Information* (PII) in HMIS is processed.
- The policy and practices in this document cover the processing of Personally Identifiable Information (PII) client information by End Users of HMIS.
- Personally Identifiable Information (PII) is any information maintained in an HMIS client record that:
 - Allows identification of an individual directly or indirectly; **and**
 - Can be manipulated by a reasonably foreseeable method to identify a specific individual; **Or**
 - Can be linked with other available information to identify a specific client
- The CoC has adopted this policy in accordance with the Homeless Management Information Systems Data and Technical Standards and subsequent HMIS documents issued by the U.S. Department of Housing and Urban Development (HUD) and their federal partners through the U.S. Interagency Council on Homelessness (USICH). The CoC's policies and practices are consistent with those

standards and with industry standard best practices.

- The CoC may amend this document and change the policy or procedures at any time. Amendments may affect Personally Identifiable Information (PII) that Partner Agencies obtained before the effective date of the amendment.
- The HMIS Lead and/or Partner Agencies will provide a written copy of this document to any individual or organization that requests it.

How and Why We Collect Personal Information

- The HMIS Lead (including staff, volunteers, contract employees, and associates) and Partner Agencies maintain Personally Identifiable Information (PII) for some or all the following purposes:
 - To provide or coordinate services to clients;
 - To locate other programs that may be able to assist clients;
 - For functions related to payment or reimbursement from others for services provided;
 - To carry out administrative functions, including legal, audit, personnel, oversight, contract monitoring, program evaluation, and other management functions;
 - To comply with government &/or funder reporting obligations;
 - For research, data analysis, and community reporting purposes, including reporting to the CoC Governance Board and the HMIS Governance Committee to inform policy decisions;
 - When required by law
- The HMIS Lead and the Partner Agencies use only lawful and fair means to collect and/or maintain Personally Identifiable Information (PII)
- By seeking assistance at one of the Partner Agencies and providing PII, it is implied that a person consents to the sharing and use of information as described in this document
- Partner Agencies must post the HMIS Privacy Notice where it is viewable by clients at each intake desk or comparable location explaining the reasons Personally Identifiable Information (PII) is requested (for example, Street Outreach should print and take with when doing outreach, or have an electronic version available)
 - The HMIS Privacy Notice *must be reviewed with all clients* at intake to provide information on their rights and HMIS policies related to personal data
- Partner Agencies must ensure that all End Users are trained to properly explain the Privacy Policy to clients (see the appendix of the HMIS Policies and Procedures document for scripted talking points End Users can use with clients)
- Partner Agencies may have additional policies not required by the HMIS Lead that they must follow, **but at a minimum**, they must adhere to the MD BoS HMIS Privacy Policy & additional policies **may not supersede or contradict the policies and procedures in this document**
- While Partner Agencies are required to adopt their own privacy policies and postings for data collection unrelated to the MD BoS HMIS privacy policy (for example laws or regulations that apply to the Partner Agency, such as HIPAA or Federal Drug and Alcohol Confidentiality Regulations (42 CFR Part 2)), the HMIS Lead provides a template of the MD BoS HMIS Privacy Notice for Partner Agencies to post which is available on the MD BoS HMIS website.

Entering Data into HMIS

All MD BoS HMIS End Users:

- Are required to comply with the MD BoS HMIS Data Quality Plan when **entering** data into HMIS client records
- Operate under '**Implied Consent**', meaning that persons applying for &/or receiving services from an MD BoS HMIS Partner Agency agrees to allow End Users to use &/or disclose information as described in this document. *An ROI is not required to share client data; except for instances outside of what is outlined in this document; however*
 - Clients do have the right to **deny consent to share** this information with other Partner Agencies by completing the 'MD BoS HMIS Client Data Sharing Opt-Out Form'.
Instructions on steps to take when a client chooses not to have their information shared in the MD BoS HMIS are detailed at the end of the 'HMIS Client Data Sharing Opt-Out Form'
- **May not** create 'Anonymous' client records in HMIS
- Collect personal client information only when appropriate &/or required by specific entities (for example funders that provide funding for homeless services)
- May use or disclose information in order to facilitate service delivery
- May also use or disclose information to comply with legal requirements or other obligations as described in the document
- Will only disclose personal information as allowed as stated within the document

Usage and Disclosure of Personal Information

- Before the HMIS Lead or Partner Agencies make any use or disclosure of client personal information that **is not** described in this document, client consent must be obtained.
- Partner Agencies must **not respond** to any request for data that includes PII unless the request originates from another Partner Agency within the MD BoS HMIS.
 - All data requests that include PII from any Non-Partner Agency must be **immediately forwarded to the HMIS Lead**. The HMIS Lead will evaluate and respond to such requests as appropriate.
 - This includes, but is not limited to, requests from the following entities:
 - **Funders** (e.g., federal agencies, state or local agencies, philanthropic foundations)
 - **Elected officials** (including federal, state, or local representatives)
 - **Legislative staff** or committees
 - **Researchers** or academic institutions
 - **Media and journalists**
 - **Family members** of clients or the general public
 - **Other service providers** not participating in the MD BoS HMIS (e.g., behavioral health, hospitals, child welfare, corrections)
 - **Government agencies** that are not HMIS Partner Agencies (e.g., departments under the executive branch, federal oversight agencies)
 - **Local government departments** (e.g., planning, health, non-participating housing

authorities)

- **Advocacy organizations**
- **Any private individuals or legal representatives**
- **Law enforcement** (if consistent with applicable law and standards of ethical conduct) under the following circumstances:
 - In response to a lawful court order, court-ordered warrant, subpoena, or summons issued by a judicial officer, or a grand jury subpoena;
 - If the law enforcement official makes a written request for PII that:
 - Is signed by a supervisory official of the law enforcement agency seeking the PII;
 - States that the information is relevant and material to a legitimate law enforcement investigation;
 - Identifies the PII sought;
 - Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
 - States that de-identified information could not be used to accomplish the purpose of the disclosure.
- In response to a written request as described above for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the PII disclosed consists only of name, address, date of birth, place of birth, Social Security Number, and distinguishing physical characteristics; or
- If the official is an authorized federal official seeking PII for the provision of protective services authorized by 18 U.S.C. 3056, 22 U.S.C. 2709(a)(3), &/or by 18 U.S.C. 871 and 879; and if the information requested is specific and limited in scope to the extent reasonably practicable in light of the purpose for which it is sought
- The HMIS Lead will include the Partner Agency that originally received the request responding to the entity requesting PII
- **HMIS Lead and the Partner Agencies** may use or disclose personal information for the following purposes:
 - To provide or coordinate services for individuals to help them end their homelessness;
 - For functions related to payment or reimbursement for services;
 - To carry out administrative functions, such as legal, audit, personnel, oversight, contract monitoring, program evaluation, and other management functions;
 - When required by law to the extent that use, or disclosure complies with and is limited to the requirements of the law.
 - To avert a serious threat to health or safety *if*:
 - It is believed in good faith 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
 - The use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat
 - To report about an individual that the HMIS Lead or a Partner Agency reasonably believes 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 under any of the following circumstances:

- Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;
 - If the individual agrees to the disclosure; or
 - To the extent that the disclosure is expressly authorized by statute or regulation; and
 - The HMIS Lead or a Partner Agency believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or
 - If the individual is unable to agree because of incapacity, then a law enforcement or other public official authorized to receive the report must represent that the PII for which disclosure is sought is not intended to be used against the individual, and must represent 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
 - When HMIS Lead or a Partner Agency makes a permitted disclosure about a victim of abuse, neglect, or domestic violence, the HMIS Lead or the Partner Agency will promptly inform the individual, who is the victim, that a disclosure has been or will be made, except if:
 - i. In the exercise of professional judgment the HMIS Lead or the Partner Agency believes informing the individual would place the individual at risk of serious harm, or
 - ii. The HMIS Lead or the Partner Agency would be informing a personal representative (such as a family member or friend) and reasonably believe the personal representative is responsible for the abuse, neglect, or other injury; such that informing the personal representative would not be in the best interests of the individual as the HMIS Lead determines in the exercise of professional judgment
- To a law enforcement official for a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under the following circumstances:
 - If it is believed in good faith that the PII constitutes evidence of criminal conduct that occurred on the premises of the HMIS Lead or the premises of a Partner Agency;
 - To comply with government reporting obligations for homeless management information systems and for oversight of compliance with homeless management information system requirements
- **The HMIS LEAD** may use or disclose personal information for activities set forth below and for activities the HMIS Lead determines to be compatible with such activities
 - To carry out maintenance and operation of HMIS
 - Maryland Statewide Homeless Services Data Warehouse (MSHDW)
 - The MSHDW is administered by the Maryland Department of Housing and Community Development (DHCD) and the University of Maryland School of Social Work (UMSSW)
 - Data entered into the MD BoS HMIS may be shared with the MSHDW in an effort to:
 - i. Coordinate homeless services across separate CoC's in the State of Maryland
 - ii. Data analysis of homeless response systems across the State of Maryland

- Additional details on approved use and data protections is included in the MSHDW Privacy Notice
- To create de-identified (anonymous) information that can be used for research and statistical purposes without identifying clients
- For academic research purposes, release of PII will be allowed if research is:
 - Conducted by an individual or institution that has or enters into a formal relationship with the HMIS Lead if the research is conducted by either:
 - i. 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 HMIS Lead; **or**
 - ii. an institution for use in a research project conducted under a written research agreement approved in writing by HMIS Lead; **and**
 - The formal relationship is contained in a written research agreement that must:
 - iii. establish rules and limitations for the processing and security of PII in the course of the research;
 - iv. provide for the return or proper disposal of all PII at the conclusion of the research;
 - v. restrict additional use or disclosure of PII, except where required by law;
 - vi. require that the recipient of data formally agree to comply with all terms and conditions of the agreement;
 - The written research agreement 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
- The HMIS Lead may implement a plan to dispose of personal information not in current use seven (7) years after the information was created or last changed. As an alternative to disposal, the HMIS Lead may choose to remove identifiers from the information so that the data can be maintained for analysis purposes
- The HMIS Lead may keep information for a longer period if it chooses or if it is required to do so by statute, regulation, contract, or other requirement

Clients Rights

Each client seeking services from a MD BoS Partner Agency:

- Can opt to **deny consent to share** information in their HMIS client record with other MD BoS HMIS Partner Agencies
- May inspect their personal information that is maintained in their HMIS client record, *with the exception of case notes*
- May ask the Partner Agency entering data into HMIS to correct inaccurate or incomplete information within the record
- May request a copy of the MD BoS HMIS Privacy Policy
- Can file a grievance regarding HMIS Privacy Policy and practices with the Partner Agency serving the client. If the client believes that their shelter or services may be threatened due to a complaint, a

complaint may be made directly to the HMIS Lead

Client Access to Records

- Clients may inspect and have a copy of their PII that is maintained in their HMIS client record, *with the exception of case notes*
 - The Partner Agency will ensure that any requests for inspection and correction of personal information will be responded to, **OR** communicate a clear alternate timeline for fulfilling the request, will be communicated to the client in writing within 14 business days. The Partner Agency will offer to explain any information in the HMIS client record
- Clients are not entitled to identifying information about End Users who interacted with their record
- The Partner Agency will consider requests for correction of inaccurate or incomplete personal information from clients. If the Partner Agency agrees that the information is inaccurate or incomplete, the personal information may be corrected or supplemented with additional information
- Per the 'HMIS Data and Technical Standards Final Document', the Partner Agency may deny a request to inspect or copy one's personal information if the:
 - Information was compiled in reasonable anticipation of litigation or comparable proceedings
 - Information is about another individual
 - Information was obtained under a promise of confidentiality and if the disclosure would reveal the source of the information
 - Disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual
- If a client's request to view or correct their personal information is denied, the Partner Agency with which the client initiated the request will explain the reason for the denial. The client's request and the reason for the denial will be included in the client's HMIS record, by way of uploading documentation to the '*File Attachments*' section within the client's HMIS record. Within one (1) business day of the denial, the Partner Agency must report all client requests that are denied, along with reasoning for the denial, to the HMIS Lead
- The Partner Agency may reject repeated or harassing requests for access or correction

Complaints and Accountability

- The HMIS Lead, on behalf of the CoC, accepts and considers questions or complaints about HMIS privacy and security policies and practices. To file a complaint or question, a person should do the following:
 - If the complaint is about one of the Partner Agencies using HMIS, the client should **first** follow the grievance procedure of that agency
 - The Partner Agency is to send a copy of the complaint to the HMIS Lead within one (1) business day of receiving complaint
 - If the grievance cannot be resolved at the Partner Agency level, or if the client believes their shelter or services may be threatened due to the complaint, the question/complaint may be sent directly to the HMIS Lead via the [MD BoS CoC Support Portal](https://mdboscoc.zendesk.com) found at mdboscoc.zendesk.com

- The HMIS Lead will act as a final arbiter of any complaints not resolved between a client and the Partner Agency
- For complaints received about a Partner Agency, the HMIS Lead will:
 - Review the submitted complaint
 - Notifying the client that is has been received & of next steps
 - A meeting with client and HMIS Lead may or may not be scheduled at this point
 - Notify the PoC at the Partner Agency, and relevant staff that a complaint has been received
 - If the HMIS Lead deems it necessary, or if the client has requested to remain anonymous, the client's identity may be withheld from the Partner Agency
 - Once the HMIS Lead determines they have all the necessary information, they will notify both the client and the PoC at the Partner Agency of the final determination

Appendix A: MD BoS HMIS Privacy Notice

MD BoS HMIS Privacy Notice

The Maryland Balance of State CoC Homeless Management Information System (MD BoS HMIS)

The U.S. Department of Housing and Urban Development (HUD), other federal, state, and county partners require that each jurisdiction that receives homeless funding have a Homeless Management Information System (HMIS) in place. Therefore, this Partner Agency is required to participate in the MD BoS HMIS, a computerized system that stores basic information about persons receiving services from this Partner Agency. The goal of the MD BoS HMIS is to assist us in determining your needs, prioritize you for services and resources, and to provide data for evaluating the services being provided. Additionally, information entered into the MD BoS HMIS will also be shared with the Maryland Statewide Homelessness Data Warehouse (MSHDW) on the WellSky Community Services Platform administered by the University of Maryland School of Social Work. Additional details on approved use and data protection is included in the MSHDW Privacy Notice.

We only collect information that is needed to provide you services, or is considered relevant to helping us understand the scope and dimensions of homelessness in order to design effective service delivery. Personally Identifiable Information (PII) may be disclosed as required by funders or by law, or for specific administrative or research purposes outlined in our MD BoS HMIS privacy policy.

The use of all Personally Identifiable Information (PII) is guided by strict standards of confidentiality as outlined in the MD BoS HMIS Privacy Policy.

By requesting and accepting services from this Partner Agency, you are giving consent for us to share your personal information with other MD BoS HMIS Partner Agencies.

You have the right to:

- Opt-out of data sharing in the MD BoS HMIS or MSHDW
- Inspect and have a copy of your PII that is maintained in your HMIS client record, with the exception of case notes.
- Ask the Partner Agency entering data into HMIS to correct inaccurate or incomplete information within the HMIS record
- Ask about and request a copy of the HMIS Privacy Policy
- File a grievance regarding HMIS privacy policies and practices with the Partner Agency serving the client. If the client believes that their shelter or services may be threatened due to a complaint, the complaint may be sent directly to the HMIS Lead Team via the [MD BoS CoC Support Portal](#) found at mdboscoc.zendesk.com & clicking on 'Submit a request'

Appendix B: MD BoS HMIS Privacy Policy Change History

Version #	Date Final	Revisions
V1	Approx. Sept. 2020	<ul style="list-style-type: none"> • Original version implemented
V2	8/7/25	<ul style="list-style-type: none"> • Began operating under 'Implied Consent' • Updated the 'Privacy Notice' that is to be posted/available for clients to view at each Partner Agency • Addt'l details about when/how client data in HMIS is used &/or shared • Addt'l details on how Partner Agencies are to handle requests for data from Non-Partner Agencies • Addt'l details on client rights
V3	10/24/25	<ul style="list-style-type: none"> • Added MSHDW statement "Additional details on approved use and data protections is included in the MSHDW Privacy Notice" • Added MSHDW information to the MD BoS HMIS Privacy Notice • Moved MD BoS HMIS Privacy Notice to Appendix A, which is also posted to the website, and added MSHDW information