



HMIS Data Sharing Procedure
May 16, 2024

HMIS Data Sharing Procedure

Purpose:

To outline circumstances under which protected HMIS information may be shared with agencies not participating in the Northern Nevada Continuum of Care.

Effective Date: May 1, 2024

Definitions:

Covered Homeless Organization (CHO): An organization that operates a project that contributes data to an HMIS.

Continuum of Care (CoC): A collaborative funding and planning approach that helps communities plan for and provide, as necessary, a full range of emergency, transitional, and permanent housing and other service resources to address the various needs of homeless persons. HUD also refers to the group of service providers involved in the decision making processes as the "Continuum of Care." For the purposes of this document, this refers specifically to the Northern Nevada Continuum of Care.

District Attorney (DA): the chief prosecutor or chief law enforcement officer representing Washoe County

Homeless Management Information System (HMIS): HMIS is a local information technology system used to collect client-level data and data on the provision of housing and services to individuals and families at risk of and experiencing homelessness. Each CoC is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.

Personally Identifiable Information (PII): Defined in OMB M-07-16 as "...information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc."

Policy:

In some very limited circumstances, CoC agencies are able to share information from HMIS with non CoC participating agencies. Information may be shared in the below circumstances:

1. 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:
 - a. In response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena.
 - b. If the law enforcement official makes a written request for HMIS data that:
 - i. Is signed by a supervisory official of the law enforcement agency seeking the HMIS data.
 - ii. States that the information is relevant and material to a legitimate law enforcement investigation.
 - iii. Identifies the HMIS data sought.
 - iv. Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought.
 - v. States that de-identified information could not be used to accomplish the purpose of the disclosure.
 - c. If it is believed in good faith that the HMIS data constitutes evidence of criminal conduct that occurred on the CHO's premises.
 - d. In response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness or missing person and the HMIS data disclosed consists only of name, address, date of birth, place of birth, social security number and distinguishing physical characteristics.
 - e. If the official is an authorized federal official seeking HMIS data 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 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.
2. If 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.
 - a. Requests from Northern Nevada Public Health (formerly Washoe County Health District) may fall into this criterion.
 - b. Northern Nevada Public Health, or similar agencies, must specify that their request meets this criterion for CoC staff to share information from HMIS.
3. Individuals whom CoC staff reasonably believe to be victims of abuse, neglect or domestic violence. In these instances, information may be shared with a government 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:
 - 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.
- c. To the extent that the disclosure is expressly authorized by statute or regulation; and the CHO 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, 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.
- d. When CoC staff make a permitted disclosure about victims of abuse, neglect or domestic violence, staff must promptly inform the individual that a disclosure has been or will be made.

Working with District Attorney's Office:

District Attorney's Office Investigators may send a spreadsheet to CoC staff with names of individuals they are looking to locate. The CoC Coordinator has requested that DA's Office staff indicate if this person is a victim of abuse, neglect or domestic violence to be able to determine if the CoC can provide information on that person's likely location. If CoC staff do share information on location with the DA's Office, an alert must be added to the client's HMIS profile to alert them that information on their location was shared with the DA Investigator who is trying to locate them to discuss the DA's Office matter.

Sharing data:

Though sharing information may be permitted under the above circumstances, the sharing of HMIS user account login credentials is not permitted. Only authorized HMIS account users may access and view HMIS data.

If PII is being requested by a non CoC member, the CoC staff member must first verify that the request falls within the criteria for sharing outlined above. If the request meets the criteria, data may be shared, if the request does not meet the criteria, the data cannot be shared with the requestor.

Information must be shared in an encrypted format if being emailed. Information should be limited to what is being asked by the requestor, no information not requested or required to complete request should be provided.