Lantern

Lantern Community Services HMIS Privacy Notice

What this Notice Covers.

1. This document describes the privacy policy and practices of Lantern Community Services. Our main office is at 575 8th Avenue, 15th Floor, New York, NY 10018.

2. This policy covers the collection, use, and maintenance of protected personal information for clients of Lantern Community Services.

3. **Personally Identifiable Information/Protected Identifying Information (PII)** is any personal 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.

4. We adopted this policy because the Department of Housing and Urban Development issued standards for Homeless Management Information Systems. We intend our policy and practices to be consistent with those standards. See 69 Federal Register 45888 (July 30, 2004).

5. This policy informs our clients, our staff, and others how we process personal information. We follow the policy and practices described in this privacy notice.

6. We may amend our policy or practices at any time. Amendments may affect PII that we obtained before the effective date of the amendment.

7. We give a written copy of this privacy notice to any individual who asks for it.

8. We maintain a copy of this notice on our website at www.lanterncommunity.org.

How and Why We Collect PII.

1. We collect PII 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 individual case management;

b. To produce aggregate-level reports regarding use of services;

c. To track individual project-level outcomes;

d. To identify unfilled service needs and plan for the provision of new services;

e. To conduct research for consulting and/or educational purposes; and

f. To accomplish any and all other purposes deemed appropriate by the CoC.

2. We only use lawful and fair means to collect PII.

3. We normally collect with the knowledge or consent of our clients. If you seek our assistance and provide us with PII, we assume that you consent to the collection of information described in this policy.

4. We share this data with the NYC Department of Social Services (DSS), Federal Homeless Policy and Reporting unit (FHPR) a/k/a/ the "HUD CoC unit": the agency appointed by the CoC to manage all PII we record about our clients. This agency is required to maintain the confidentiality of the data.

5. We post a sign at our intake desk or other location explaining why we ask for PII that says:

<We collect personal information about homeless individuals in a computer system called a Homeless Management Information System (HMIS) for reasons that are discussed in our privacy notice. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless individuals, and to better understand the needs of homeless individuals. We only collect information that we consider to be appropriate. If you have any questions or would like to see our privacy notice, our staff will provide you with a copy.>

How We Use and Disclose PII.

1. We use or disclose PII for activities described in this part of the notice. We may or may not make any of these uses or disclosures of your PII. We assume that you consent to the use or disclosure of your PII for the purposes described below 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;

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:

i. 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

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 our professional judgment.

ii. 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 in any of the following three circumstances:

i. Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law;

ii. If the individual agrees to the disclosure; or

iii. To the extent that the disclosure is expressly authorized by statute or regulation and either of the following are applicable:

A. We believe the disclosure is necessary to prevent serious harm to the individual or other potential victims; or

B. 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 PII 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.

iv. 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:

h. 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:

i. In response to a lawful court order, court-ordered warrant, subpoena or summons issued by a judicial officer, or a grand jury subpoena;

ii. If the law enforcement official makes a written request for PII that:

A. Is signed by a supervisory official of the law enforcement agency seeking the PII;

B. States that the information is relevant and material to a legitimate law enforcement investigation;

C. Identifies the PII 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.

iii. If we believe in good faith that the PII constitutes evidence of criminal conduct that occurred on our premises;

iv. In response to an oral request 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:

A. The official is an authorized federal official seeking PII 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.

i. To comply with government reporting obligations for HMIS and for oversight of compliance with HMIS requirements.

j. To third parties for the following purposes:

i. To permit other systems of care to conduct data matches (i.e., to determine if you are also utilizing services from such other systems of care); and

ii. To permit third party research firms and/or evaluators to perform research and evaluation services in connection with the programs administered by the CCoC and the other agencies;

A. Provided that before PII is disclosed under this subsection, the third party that will receive such PII and use it as permitted above must first execute a Data Use & Disclosure Agreement requiring such third party to comply with all applicable laws and regulations, including the privacy standards and disclosure provisions contained in the Department of Housing and Urban Development Homeless Management Information Systems; Data and Technical Standards Final Notice (see 69 Federal Register 45888 (July 30, 2004)), which such standards and provisions are reflected herein.

2. Before we make any use or disclosure of your PII that is not described here, we seek your consent first.

How to Inspect and Correct PII.

1. You may inspect and have a copy of your PII 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 PII 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. We may deny your request for inspection or copying of PII 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.

4. 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 PII that we maintain, documentation of the request and the reason for the denial.

5. We may reject repeated or harassing requests for access to or correction of PII.

Data Retention.

1. We collect only PII that is relevant to the purposes for which we plan to use it. To the extent necessary, we seek to maintain only PII that is accurate, complete, and timely.

2. We will dispose of PII 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 PII.

3. We may keep information for a longer period if required to do so by an applicable 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. You may ask to make an appointment with your Program Director to discuss any questions or concerns you have about this policy.

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

3. In the event that your question or complaint is not sufficiently addressed through this organization, you may take your concerns to the CoC Grievance Committee. Individuals will submit grievances in writing to the co-chairs. The co-chairs will pass the grievance to the Grievance Committee, which will review it and make a recommendation back to the co-chairs. The co-chairs will make the final decision about the outcome and notify you. More information about this Committee can be found at www.nychomeless.com. Additionally, you may take your concerns to the NYC Commission on Human Rights.