

## Lantern Community Services

### Protected Identifying Information (PII) Privacy Policy

#### *Introduction*

This policy covers the collection, use, and maintenance of Protected Personal Information (PII) for tenants of Lantern Community Services, an organization affiliated with the NYC Coalition on the Continuum of Care (CCoC).

PII is any personal information we maintain about a tenant 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 tenant.

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

This policy informs tenants, staff, and others how LCS processes personal information. The policy or practices may be amended at any time. Amendments may affect PII that we obtained before the effective date of the amendment.

LCS provides a written copy of this privacy policy to any individual who asks for it. LCS also maintains a copy of this policy on our website at [www.lanterngroup.org](http://www.lanterngroup.org).

#### *Process*

LCS collects PII only when appropriate to provide services or for another specific purpose of our organization or when required by law. LCS 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 CCoC.

LCS only uses lawful and fair means to collect PII, normally collected with the knowledge or consent of our tenants. If a tenant seeks our assistance and provides us with PII, LCS assumes that consent to the collection of information described in this Policy has been granted. Data is shared with the NYC Department of Homeless Services (DHS), Planning, Development & Grants unit, the agency appointed by the CCoC to manage all PII LCS records about tenants. DHS is required to maintain the confidentiality of the data, and has a privacy policy that is available to the public.

To inform tenants, LCS posts signs at intake desks or other locations explaining the reasons for asking for PII. The sign 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 policy. 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 policy, our staff will provide you with a copy.*

### *Usage and Disclosure*

LCS uses or discloses PII for activities described in this part of the policy. LCS may or may not make any of these uses or disclosures of PII. LCS assumes that tenants consent to the use or disclosure of 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. appropriate LCS staff 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
  - 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 LCS staff 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. LCS staff 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;

When making a permitted disclosure about a victim of abuse neglect or domestic violence, LCS 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, LCS staff believe informing the individual would place the individual at risk of serious harm; or
- ii. LCS staff would be informing a personal representative (such as a family member or friend), and staff 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;
- 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 LCS staff 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
    - v. 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; and/or
  - j. to third parties for the following purposes:
    - i. to permit other systems of care to conduct data matches (i.e., to determine if tenants 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; 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.

Before LCS makes any use or disclosure of PII that is not described here, tenant consent will be sought.

*Inspecting and Correcting PII*

Tenants may inspect and have a copy of the PII that LCS maintains. Requests for inspection of PII must be documented in a progress note. LCS staff will offer to explain any information that tenants may not understand. LCS will consider a request from tenants for correction of inaccurate or incomplete PII that is maintained. If LCS agrees that the information is inaccurate or incomplete, it may be deleted or may be chosen to be marked as inaccurate or incomplete and to supplement it with additional information. The corrections will also be documented a progress note.

LCS may deny tenant requests 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.

If LCS denies a request for access or correction, the reason for the denial will be explained and documented in a progress note. LCS will also include, as part of the PII maintained, documentation of the request and the reason for the denial. LCS may reject repeated or harassing requests for access to or correction of PII.

#### *Data Retention*

LCS collects only PII that is relevant to the purposes for which usage is planned. To the extent necessary for those purposes, LCS seeks to maintain only PII that is accurate, complete, and timely. PII not in current use seven years after the information was created or last changed will be disposed. As an alternative to disposal, LCS may choose to remove identifiers from the PII. LCS may keep information for a longer period if required to do so by an applicable statute, regulation, contract or other requirement.

#### *Complaints and Accountability*

All LCS 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 policy. Tenants will receive a copy of this policy as a part of their move in packet.

LCS accepts and considers questions or complaints about LCS's privacy and security policies and practices. Tenants may ask make an appointment with their Program Director to discuss any questions or concerns they have about this policy. In the event that tenants' questions or complaints are not sufficiently addressed through this organization, tenants may take their concerns to the Grievance Committee of the CCoC. 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](http://www.NYCHomeless.com)