



Safe Harbors HMIS: Data Disclosure Policy

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Data Disclosure Policy

Purpose

The purpose of this policy is to specify how information collected by Safe Harbors will be shared or disclosed and under what conditions the information may be accessed or disclosed. It defines processes for applying for and gaining approval to access to data for research requests.

Definitions

Affected Third Parties: An affected third party is a person, vendor, agency or other entity to whom the record pertains or whose identity or personal information is included in a record that would be disclosed under a public disclosure request.

Agency: An organization working with Safe Harbors signing an Agency Partner Agreement thereby agreeing to follow Safe Harbors policies and procedures. The Agency Partner Agreement is in effect for all related programs within an agency.

Aggregated Data: This is data that is grouped, usually by program, but possibly across any dimension (e.g., time, county sub region, segments of client populations, etc.). This data type precludes exploration at a client-identified level since there is no client level data.

Client: A person who applies for or receives services from a Safe Harbors partner agency.

Client-identifying Confidential Information: Personal information that identifies a client, including protected health information, and that state or federal laws protect from improper disclosure or use.

Client-level Information: A set of data records that combined represent a single client. This type of information lends itself to more in-depth data analysis. All public client-level data is de-identified.

De-identified: A data set or report that removes all client-identifying confidential information, i.e., information that identifies the client by name, SSN or other unique identifier.

Disclosure: The release, transfer or provision for access to information outside Safe Harbors.

HIPAA: The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et. seq.

HMIS: Homeless Management Information System — a web based computer system managed by Safe Harbors staff that collects client identified confidential information with services received and outcomes achieved by the clients.

Personal Information: Personal information means demographic or financial information about a particular client that is obtained through one or more sources. This may include information such as name, address, social security number, income, education and housing information.

Privacy Policy: Safe Harbors policy developed to comply with federal and state privacy requirements. The individuals responsible for implementing and managing

this policy are Safe Harbors staff, Safe Harbors partner agencies, and partner agency staff using the Safe Harbors HMIS.

Public Disclosure: The process to respond to a request for and grant access to public records. All public records will be disclosed upon request unless disclosure is limited, exempted or prohibited by Chapter 42.17 RCW or other state and federal statutes and rules.

Public Disclosure Officer: A person designated by the Human Services Department to manage and direct public record disclosure, provide third party notification and to coordinate the functions of Public Disclosure.

Research: An activity is defined as research when it meets the following definition: "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. This includes the development of research repositories and databases for research." (*45 CFR, Part 46 — The Common Rule*).

Research Advisory Review Committee (RARC): Group responsible to review and approve research requests for client-level de-identified information.

Safe Harbors: A project jointly funded by City of Seattle, King County and United Way of King County to implement HMIS required by Congressional directive.

Safe Harbors Partner Agency: An agency that signs the Safe Harbors Partner Agency Agreement thereby agreeing to abide by all conditions required of any agency using the HMIS and providing services to homeless people, referred to as clients.

Safe Harbors Sponsors: City of Seattle, King County and United Way of King County.

Stakeholders: Safe Harbors sponsors, participating agencies, programs, and homeless persons.

Public Disclosure Requests of Safe Harbors Records

Policy

Safe Harbors must define how information will be disclosed to the public, clients or others under the Public Disclosure Act, under the Public Disclosure Policies of the Human Services Department, and additionally how research related requests will be reviewed by the Research Advisory Review Committee and others as it relates to ensuring that client rights are secure.

General Procedures Prior to Disclosure or Denial of Public Records

Requests for information may come from clients, researchers, or other public or private entities. This portion of the policy sets the general standards for Safe Harbors to meet various legal requirements affecting disclosure of, access to and confidentiality of records held by Safe Harbors.

1. **Supporting Policies and Documents:** Safe Harbors has several policies in effect supporting data use or disclosures. Those documents are posted on www.safeharbors.org, including Security Policy, Privacy Policy, Data Use Policy, Client Sharing agreements, Client Revocation agreements and Client Privacy Rights.
2. **Duties of Staff and Committee:**

Public Disclosure Officer

The Human Services Department (HSD) Public Disclosure Officer responds to public disclosure requests, coordinating efforts and serving as a resource to other staff assisting with public disclosure and providing information to clients regarding use and disclosure of their confidential information collected, received, used or disclosed by Safe Harbors. All requests for information will be handled in accordance with the law.

Research Advisory Review Committee (RARC)

The Safe Harbors Executive Committee will appoint a Research Advisory Review Committee (RARC). The RARC shall review and respond to any public requests relating to agency or client level information requested by researchers or other public entities. The Research Advisory Review Committee (RARC) is chaired by the Safe Harbors Program Manager, is attended by the Public Disclosure Officer, and consists of the following members:

- Safe Harbors Advisory Committee member
- Safe Harbors Sponsor representatives (one from each organization)
- Safe Harbors Executive Committee member

The RARC may also seek legal advice as necessary to carry out their duties. The RARC meets on the second Friday of each month at 11:00 whenever a pending request is before the committee or as necessary to provide timely response to pending public disclosure requests.

3. **Review of Request:** The Public Disclosure Officer receiving a request for public records , including requests for access to client records, must:
 - a. Review and evaluate the request;
 - b. Contact the requester if necessary to clarify the request or to determine what records are requested;
 - c. Determine whether the requester is authorized to receive any confidential records that are not subject to disclosure to the general public under the Public Disclosure Act;
 - d. Prepare the request for RARC review as necessary.
4. **Response to Request:** The Public Disclosure Officer must respond in writing within five business days of receipt to acknowledge the request or to provide the requested records or as required under applicable laws. If Safe Harbors cannot provide copies of all requested records within five business days, the response must include one of the following:
 - a. When Safe Harbors will provide records and the reason for the delay;
 - b. A request for clarification of the request;
 - c. A notification that the RARC is reviewing the research request committing to an update on the request as soon as possible within 30 business days of initial notification; or
 - d. Denial or partial denial of the request with specific reasons and the statutory basis.
5. **Appeals:** Appeals of denial received by the Public Disclosure Officer will be responded to by the Public Disclosure Officer promptly. The Appellant will be given a decision or an expected future date for a decision. The decision of the Public Disclosure Officer is final for purposes of judicial review.
6. **Affected third parties:** Pursuant to 42.17.330, the Public Disclosure Officer may notify affected persons or agencies of the public disclosure request to enjoin disclosure of the records under applicable laws. The decision to notify is a policy decision based on whether the person or agency may be identified or if the privacy rights are affected by the disclosure of the information. Notification is not needed when the information to be disclosed does not identify a person or agency.
7. **Charges:** If there are costs in generating data files or reports, Safe Harbors administration will charge external parties for the costs incurred in providing the requested data. These costs will include but are not limited to: analyst time, printing costs, and computer time, among others.

Safe Harbors must follow applicable laws and policies

1. **Records Provided:** Safe Harbors must provide access to existing public records or portions thereof that are not exempt from disclosure under applicable laws to the requester asking for records. Safe Harbors may decide to create records to respond to a public records requester and need not take

efforts to program databases, purchase software or reconstruct destroyed records to provide records in response to a request.

2. **Confidential or Exempt Records:** All or parts of Safe Harbors records may be exempt from disclosure to the person making the request under RCW 42.17.310 or other applicable laws. Public Disclosure Officer must carefully review records being disclosed to determine if any are exempt from disclosure or if disclosure is prohibited to the person requesting them. If the record contains legally protected information about someone who is not the requestor, the Public Disclosure Officer must deny or redact that part of the record unless the subject of the records has authorized disclosure or the requestor has legal authority to access that record.
3. **Denial:** Public Disclosure Officer must notify requestors of any denial of records and provide the legal basis for each denial in writing in the final response cover letter. They must also notify the requestor of the right to appeal or seek administrative review of the denial. Denials include all claims that a record is exempt from disclosure in whole or in part.

