



## **Kentucky Homeless Management Information System (KYHMIS) Privacy Policy**

This Notice describes the Privacy Policy for the Kentucky Homeless Management Information System (KYHMIS). Kentucky Housing Corporation (Administrator) administers KYHMIS on behalf of the Kentucky Balance of State Continuum of Care (CoC), the Louisville CoC, and the Lexington CoC. All three CoCs work together in support of an effective, coordinated system of serving Kentucky's homeless persons.

Throughout the three CoCs, there are certain entities that actively use and contribute to KYHMIS. Any agency with access to KYHMIS through the Balance of State Continuum of Care is required to sign an Agency Participation Agreement and is known as a "Participating Agency". Participating Agencies and their personnel are required to comply with this Notice. Any agency with access to the KYHMIS through another CoC is required to sign a substantially similar agency agreement and is also bound by this Notice. All persons with access to KYHMIS must receive and agree to follow this Notice and must receive training on legal privacy requirements that pertain to KYHMIS.

### **Overview of KYHMIS Data Handling**

Agencies providing services to you are required by federal, state, and/or local governments, and some funding sources, to collect information about you and your dependents and the services that you receive. When you seek services from these agencies, it is assumed that you are consenting to your information being stored in KYHMIS and shared among participating agencies for the purposes set forth in this Notice. You have the right to explicitly refuse the collection and/or sharing of this information, and agencies are not permitted to deny you services for this reason. However, your refusal may negatively impact the ability of the agency or other participating agencies to meet your needs or qualify you for other services.

The privacy practices described in this Notice cover all your Personally Identifiable Information (PII) that is collected in KYHMIS. PII is any information that can be used to distinguish or trace your identity, such as your name or social security number, alone, or when combined with other personal or identifying information which is linked or linkable to you such as date and place of birth, mother's maiden name, etc.

Some participating agencies are required by federal or state law to have their own agency-specific privacy policies. Agency-specific policies may be more restrictive than this Notice, but they may not be less restrictive.

Administrator may amend this Notice and related practices at any time. Amendments may affect information obtained by participating agencies before the date of the change. An amendment to this Notice regarding use or disclosure will be effective with respect to information processed before the amendment, unless otherwise stated.

## **How and Why KYHMIS Collects Your Information**

In addition to the information, you provide to an agency while you are seeking services, information stored in KYHMIS may also be obtained from:

- Other individuals who accompany a person seeking services, including guardians, caretakers or advocates.
- Referring organizations and/or service providers; or
- Law enforcement entities.

KYHMIS is used to collect and share data about you for the following purposes:

- To facilitate or coordinate delivery of services to you;
- To identify other programs that may be able to assist you;
- To coordinate payment or reimbursement for services provided by or on behalf of a participating agency;
- To carry out administrative functions, including legal, audit, personnel, oversight, contract monitoring, program evaluation, and other management functions;
- For data analysis and community reporting, or to comply with government and funder reporting requirements;
- For academic research;
- As required to show compliance with KYHMIS privacy and security standards; and
- When required by law.

## **Additional Information About How Your PII is Used and Disclosed**

### **I. USE AND DISCLOSURES REQUIRED BY LAW.**

Participating agencies may use or disclose PII when required by law to the extent that the use or disclosure complies with, and is limited to, the requirements of the law.

### **II. USES AND DISCLOSURES TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY.**

Participating agencies may, consistent with applicable law and standards of ethical conduct, use or disclose PII if:

1. The agency, in good faith, believes 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.
2. The use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.

### **III. USES AND DISCLOSURES ABOUT VICTIMS OF ABUSE, NEGLECT, OR DOMESTIC VIOLENCE.**

Participating agencies may disclose PII about an individual whom the agency reasonably believes to be a victim of abuse, neglect, or domestic violence to 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:

1. Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law.
2. If the individual agrees to the disclosure.
3. To the extent that the disclosure is expressly authorized by statute or regulation; and the agency believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or if the individual is incapacitated, thereby, unable to agree, a law enforcement or other public official authorized to receive the report is not intended to use the PII against the individual, and the information should be released only if 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.

A participating agency that makes a permitted disclosure about victims of abuse, neglect, or domestic violence must promptly inform the individual that a disclosure has been or will be made, except if:

1. The agency, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm; or
2. The agency would be informing a personal representative (such as a family member or friend), and the agency reasonably believes 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 determined by the agency in the exercise of professional judgment.

#### **V. USE AND DISCLOSURES FOR ACADEMIC RESEARCH PURPOSES.**

Participating agencies may use or disclose PII for academic research conducted by an individual or institution that has a formal relationship with the agency if the research is conducted either:

1. By 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 KHC Legal Services and Compliance; or
2. By an institution for use in a research project conducted under a written research agreement approved in writing by the KHC Legal Services and Compliance.

A written research agreement must:

1. Establish rules and limitations for the processing and security of PII in the course of the research.
2. Provide for the return or proper disposal of all PII at the conclusion of the research.
3. Restrict additional use or disclosure of PII, except where required by law.
4. Require that the recipient of data formally agree to comply with all terms and conditions of the agreement. A written research agreement is not a substitute for approval of a research project by an Institutional Review Board, Privacy Board or other applicable human subjects protection institution.

#### **VI. DISCLOSURES FOR LAW ENFORCEMENT PURPOSES.**

Pursuant to the requirements of 42 C.F.R. Part 2, a participating agency may, consistent with applicable law and standards of ethical conduct, disclose PII for a law enforcement purpose to a law enforcement official only in the following instances:

1. When required to do so by a court order. Neither a warrant nor a subpoena is sufficient by itself to permit a participating agency to release PII. Any participating agency which discloses PII

subject to a subpoena or warrant and in the absence of a court order is therefore in violation of the provisions of 42 C.F.R. Part 2. Upon receiving either a subpoena or a warrant, the participating agency should immediately seek legal counsel.

2. When a patient has committed or threatened to commit a crime on program premises or against program personnel. In this instance, the information that can be disclosed is limited to the perpetrator's name, address, date and place of birth, social security number, blood type, type of injury, date and time of treatment, date, and time of death, (if applicable) and distinguishing physical characteristics.
3. When:
  - a. The official is an authorized federal official seeking PII for the provision of protective services to the President or other persons authorized by 19 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.

If any agency is asked by any law enforcement agency to produce data from KYHMIS, the agency must immediately notify the Legal Services and Compliance Department at Kentucky Housing Corporation, attention General Counsel, 1231 Louisville Road, Frankfort, KY 40601, (502) 564-7630.

### **Additional Information About Your Data Collection and Use**

#### **I. PURPOSE SPECIFICATION AND USE LIMITATION.**

- A. A participating agency will collect PII only when appropriate to the purposes for which the information is obtained or when required by law. An agency must collect PII by lawful and fair means and, where appropriate, with the knowledge or consent of the individual.
- B. Participating agencies may use or disclose PII only if the use or disclosure is allowed by the standards described in this Notice. Agencies may infer consent for all uses and disclosures specified in this Notice and for uses and disclosures determined by the agency to be compatible with those specified in this Notice.
- C. Except for your first party access to your information and any required disclosures for oversight of compliance with KYHMIS policies and procedures, all uses and disclosures are permissive and not mandatory. Uses and disclosures not specified in this Notice can be made only with your consent or when required by law.
- D. Participating agencies may use or disclose any aggregate data obtained from the KYHMIS as long as all identifiers are removed.

#### **II. OPENNESS.**

Participating agencies must provide a copy of this Notice to any individual upon request. A current version of the Notice is published on the Web at [Privacy Policy – Housing Contract Administration Partner Agency Portal \(zendesk.com\)](#) .

### **III. ACCESS AND CORRECTION.**

- A. In general, a participating agency must allow an individual to inspect and to have a copy of any PII about the individual. The agency should offer to explain any information that the individual may not understand.
- B. Participating agencies must consider any request by an individual for correction of inaccurate or incomplete PII pertaining to the individual. An agency is not required to remove any information but may, in the alternative, mark information as inaccurate or incomplete and supplement it with additional information.
- C. Participating agencies reserve the ability to rely on the following reasons for denying an individual inspection or copying of the individual's PII:
  1. Information compiled in reasonable anticipation of litigation or comparable proceedings;
  2. Information about another individual; and
  3. Information, the disclosure of which would be reasonably likely to endanger the life or physical safety of any individual.
- D. Participating agencies can reject repeated or harassing requests for access or correction. An agency that denies an individual's request for access or correction must explain the reason for the denial to the individual and must include documentation of the request and the reason for the denial as part of the PII about the individual.

### **IV. ACCOUNTABILITY.**

Protecting your information is important to us. If you feel your privacy rights have been violated, we want to know. There will be no retaliation against you for filing a complaint.

- You may file a complaint with the agency where you received services following their procedures; or
- You may file a complaint with the KYHMIS Administrator at Kentucky Housing Corporation, 1231 Louisville Rd., Frankfort, Kentucky 40601, Attn: KYHMIS.