



## Kentucky Homeless Management Information System (KYHMIS) User License Agreement

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The Kentucky Homeless Management Information System (KYHMIS) is a client information database used by Kentucky's Continuum of Care and partner agencies to assess client needs, create individualized service plans, and track the use of services by the homeless population in Kentucky. KYHMIS contains a range of personal and private information on agencies' clients, and users of KYHMIS are subject to strict guidelines to protect this information. The purpose of this Agreement is to set forth the responsibilities and obligations of all persons who are granted access as Users of KYHMIS.

### User Policy

Information in KYHMIS may be shared among agencies who are authorized to participate in KYHMIS. Agencies may request representatives of their organization to be granted User access to KYHMIS according to the KYHMIS Statewide Policy Manual and other applicable policies and procedures.

Agencies with access to data in KYHMIS and their Users shall be bound by restrictions imposed by the client pertaining to any use of that client's personal information. In transmitting, receiving, storing, processing or otherwise dealing with any consumer protected information, Agencies and their users are fully bound by state and federal regulations governing confidentiality of patient records, including, but not limited to, the Federal Law of Confidentiality for Alcohol and Drug Abuse Patients, (42 CFR, Part 2), the Health Insurance Portability and Accountability Act of 1996 ('HIPAA', 45 CFR, Parts 160 & 164), and the Violence Against Women Act ('VAWA') and cannot use or disclose the information except as permitted or required by this agreement or by law. Agencies are expected to develop and administer appropriate privacy policies and procedures to comply with all applicable laws.

Agencies should ensure their Users enter data into KYHMIS according to current Universal Data Elements as defined by the Department of Housing and Urban Development. This standard is subject to modification by state and federal policymakers, and agencies and Users participating in KYHMIS are obligated to be aware of and operate according to current standards.

### User Responsibilities and Obligations

Initial each item below to indicate you understand and accept the proper use of your access to KYHMIS. Failure to uphold the confidentiality standards set forth below may result in a breach of client confidentiality and is grounds for immediate termination from KYHMIS.

\_\_\_\_\_ I have reviewed and will comply with the KYHMIS Statewide Policy Manual, KYHMIS Privacy Policy, User Security Training and all related policies and procedures.

\_\_\_\_\_ I must send in requested reports by the designated dates and participate in the Data Quality process.

\_\_\_\_\_ My User ID and password are unique to me and must be kept secure. I will not share this information with anyone or allow anyone else to use my account. I understand that I am solely responsible for all information accessed from or input into KYHMIS using my unique ID and password.

\_\_\_\_\_ I understand that I will be allowed access to confidential information in order that I may perform my specific job duties and for no other reason. I agree not to disclose confidential information and/or client records without the prior consent of Kentucky Housing Corporation, unless such disclosure is required by law. Confidential information obtained from KYHMIS is to remain confidential, even if my status with the agency where I am employed changes or concludes for any reason.

\_\_\_\_\_ I understand that informed client consent, as documented by a current KYHMIS Client Release of Information Form, is required before entering, updating, editing, printing, or disclosing any identifying information and nonconfidential service transactions via KYHMIS. I agree to only enter accurate and current information and to comply with all applicable data standards and reporting requirements.

\_\_\_\_\_ I understand that security and confidentiality are of the utmost importance in my role as a KYHMIS User. If I suspect a security breach, I agree to immediately notify the agency with whom I am associated and Kentucky Housing Corporation (as KYHMIS Administrator).

\_\_\_\_\_ If I am logged into KYHMIS and must leave the work area where the computer is located, I will log-off of KYHMIS before leaving the work area. A computer that has KYHMIS open and running shall never be left unattended.

\_\_\_\_\_ I understand that any unauthorized access or modification to computer system information or interference with normal system operations will result in immediate suspension of my access to KYHMIS and may jeopardize my employment status with the agency where I am employed.

\_\_\_\_\_ I agree that as a KYHMIS User, I will subscribe to receive eGrams (electronic newsletters) from Kentucky Housing Corporation. I understand that I am responsible for reading these newsletters as they contain important information such as due dates, reporting requirements, and regulation changes.

\_\_\_\_\_ I acknowledge that I have been informed of the relevant laws concerning access, use, maintenance and disclosure of confidential information and/or records which shall be made available to me through my use of KYHMIS. I have read and understand the following specific laws concerning unlawful use of computer equipment:

**KRS 434.845 – Unlawful access to a computer in the first degree.**

- (1) A person is guilty of unlawful access to a computer in the first degree when he or she, without the effective consent of the owner, knowingly and willfully, directly or indirectly accesses, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer systems, computer network, or any part thereof, for the purpose of:
  - (a) Devising or executing any scheme or artifice to defraud; or
  - (b) Obtaining money, property, or services for themselves or another by means of false or fraudulent pretenses, representations, or promises.
- (2) Unlawful access to a computer in the first degree is a Class C felony.

**KRS 434.850 – Unlawful access to a computer in the second degree.**

- (1) A person is guilty of unlawful access to a computer in the second degree when he or she, without the effective consent of the owner, knowingly and willfully, directly or indirectly accesses, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network, or any part thereof, which results in the loss or damage of three hundred dollars (\$300) or more.

(2) Unlawful access to a computer in the second degree is a Class D felony.

**KRS 434.855 – Misuse of computer information.**

(1) A person is guilty of misuse of computer information when he or she:

- (a) Receives, conceals, or uses, or aids another in doing so, any proceeds of a violation of KRS 434.845; or
- (b) Receives, conceals, or uses or aids another in doing so, any books, records, documents, property, financial instrument, computer software, computer program, or other material, property, or objects, knowing the same to have been used in or obtained from a violation of KRS 434.845.

(2) Misuse of computer information is a Class C felony.

User Code of Ethics

As persons entrusted with clients’ personal data, KYHMIS Users have a moral and legal obligation to ensure that the data is being collected, accessed, and used appropriately. It is also the responsibility of each User to ensure the client data is only used to the ends to which it was collected, the ends that have been made explicit to clients and are consistent with the mission behind KYHMIS.

- Users must treat all clients and partner agencies with respect, fairness, and good faith.
- Users should maintain high standards of professional conduct.
- Users shall make every effort to assure that client data is handled securely, responsibly and in accord with the clients’ wishes.
- Discriminatory comments based on race, color, religion, national origin, ancestry, handicap, age, familial status, sex, and sexual orientation are not permitted in KYHMIS. Likewise, profanity and offensive language are prohibited.
- Users must not use KYHMIS with intent to defraud the federal, state, or local government or an individual entity; or to conduct any illegal activity; or to solicit clients for personal gain.
- Transmission of material in violation of any federal or state regulations or laws is prohibited and includes material that is copyrighted, legally judged to be threatening or obscene, and considered protected by trade secret.

I understand and agree to comply with all the statements listed above.

User Name (print full name): \_\_\_\_\_

User Signature: \_\_\_\_\_

User E-mail: \_\_\_\_\_ User Phone Number: \_\_\_\_\_

Agency: \_\_\_\_\_

User Supervisor Signature: \_\_\_\_\_