

# Calvary Refuge Center Privacy Policy

## *Purpose*

This policy describes the Calvary Refuge Center privacy practices for safeguarding client confidential information to:

- Promote responsible information management practices by agencies
- Promote public trust and confidence in the use of online services
- Protect the privacy rights of clients when Calvary Refuge Center uses, obtains or discloses information

## Definitions

**Client:** A person who applies for or receives services from a Calvary Refuge Center partner agency

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

**Confidential Information:** Information that is protected by state or federal laws, including information about clients that is not available to the public without legal authority.

**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 Calvary Refuge Center staff that collects personal information.

**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:** Calvary Refuge Center's policy was developed to comply with Federal and state privacy requirements. The individuals responsible to implement and manage this policy are Calvary Refuge Center staff, Calvary Refuge Center partner agencies, and partner agency staff using the Calvary Refuge Center HMIS.

**Calvary Refuge Center Privacy Officer:** The person who has the primary responsibility for developing and managing the Calvary Refuge Center Privacy Policy.

**Calvary Refuge Center Public Disclosure Officer:** The person who has the primary responsibility of the Calvary Refuge Center public record disclosure process, including developing, implementing and overseeing Calvary Refuge Center policies, rules and procedures involved in the disclosure of public records, and for coordinating public records disclosure.

## Client's Rights

Clients have the following rights:

- Client's privacy rights are posted in each location in which the HMIS is in place.
- Client has the right to know which agency has added to, deleted or edited their client record.
- Client has the right to refuse to provide personal identifying information, or to stop the agency from entering any personal identifying information into the HMIS.
- Client has the right to decide what personal identifying information can be shared between programs in the Calvary Refuge Center HMIS, and with which it may be shared.
- Client has the right to revoke permission for personal identifying information to be entered or shared in the Calvary Refuge Center HMIS, including what types of information may be shared and with whom it may be shared. Client must notify agency in writing of denial or revocation of data entry and sharing using the HMIS Client Revocation or Denial forms available at each Calvary Refuge Center.

## Roles and Responsibilities

### *Calvary Refuge Centers Partner Agency Roles and Responsibilities*

1. Develop procedures for providing an explanation to clients about the usage of a computerized Homeless Management Information System.
2. All participating agencies agree to abide by all privacy protection standards and agree to uphold all standards of privacy as established by the Calvary Refuge Center.
3. As part of the implementation strategy of the HMIS, a partner agency must have client sharing and release of information procedures and completed forms in place if electronic sharing is to take place.

## *Calvary Refuge Center Role and Responsibilities*

1. Calvary Refuge Center agrees to not use or disclose any identified Client information other than as permitted or required by the Agency Participation Agreement or as required by law.
2. Calvary Refuge Center agrees to use appropriate safeguards to prevent use or disclosure of any identified Client information other than as provided for by the Agency Participation Agreement or as required by law.
3. Calvary Refuge Center agrees to report to Agency any use or disclosure of any identified Client information not provided for by the Agency Participation Agreement of which it becomes aware.
4. Calvary Refuge Center agrees to ensure that any agent, including a subcontractor, to whom it provides identified Client information received from, or created or received by Calvary Refuge Center on behalf of Agency agrees to the same restrictions and conditions that apply through the Agency Participation Agreement to Calvary Refuge Center with respect to such information.

## **Policy**

### *Safeguarding the Confidentiality of Client Information*

Calvary Refuge Center staff and Partner Agency staff must safeguard client confidential information. This includes demographic, financial, eligibility, and protected health information collected, used and stored by Calvary Refuge Center HMIS. Staff must properly safeguard confidential information of past, present and prospective clients from inappropriate use and disclosure. Staff must follow Calvary Refuge Center policies and procedures in the Calvary Refuge Center security Policy for handling of confidential data.

Calvary Refuge Center contracts and agreements must contain confidentiality language. In addition, business associate contracts must contain specific confidentiality language addressing the business associates requirements under the HIPAA Privacy Rule.

### *Personal and Confidential Information on a Web Site*

When HMIS gives information about clients or services received, the Internet Confidentiality Notice must be posted on each screen and made available electronically.

Any paper document or export of HMIS data must contain the Confidentiality Notice.

## *Privacy Training*

All Calvary Refuge Center staff must receive annual privacy training related to use, disclosure and collection of client confidential and personal information. Training must be documented in the staff personnel file. New staff must receive privacy training within a reasonable time after being employed by Calvary Refuge Center.

## *Background Check*

All Calvary Refuge Center staff that access client confidential and personal information must undergo a background check.

## *Retention of Documentation*

Calvary Refuge Center must retain the following documentation:

1. Privacy policies and procedures
2. Any written requests or documentation of action or activity relating to clients exercising their privacy rights
3. Privacy complaints and their disposition
4. Documentation that employees have completed privacy training Calvary Refuge Center must maintain privacy documentation in written or electronic form for six years from the date the document was approved or last revised.

Calvary Refuge Center Agency Partners must retain the following documentation:

1. Agency privacy policies and procedures
2. Any written requests or documentation of action or activity relating to clients exercising their privacy rights
3. Privacy complaints received by agencies and their disposition
4. Calvary Refuge Center User Code of Ethics signed by all agency staff using the HMIS. Calvary Refuge Center partner agency must maintain privacy documentation in written or electronic form for six years from the date the document was approved or last revised.

## *Privacy Complaints*

Clients believing that Calvary Refuge Center, a Calvary Refuge Center partner agency or Calvary Refuge Center Business Associate has violated a client's privacy rights related to personal or confidential information may file a written complaint with:

1. The Calvary Refuge Center Privacy Officer; and/or
2. The Calvary Refuge Center Executive Committee

## *Corrective/Disciplinary Action for Violations*

Calvary Refuge Center staff found to be in violation of Calvary Refuge Center policies and procedures relating to confidentiality of any client information may receive corrective or disciplinary action, up to and including dismissal.

## *Actions Prohibited Against Those Reporting Privacy Violations*

Calvary Refuge Center staff and Calvary Refuge Center partner agency are prohibited from intimidating, threatening, coercing, discriminating against or taking any other retaliatory action toward a client based on their filing of a privacy complaint.

In addition, Calvary Refuge Center may not require clients to waive their right to file a privacy complaint as a condition of receiving services from a Calvary Refuge Center partner agency.

## **Relationship Termination between Calvary Refuge Center and Participating Agency**

1. Calvary Refuge Center shall return, destroy or limit use of any identified client information received, via email, fax, or mailed copy, from the Agency, or created or received by Calvary Refuge Center on behalf of the Agency. This provision shall also apply to Client information that is in the possession of subcontractors or agents of Calvary Refuge Center.

Calvary Refuge Center shall comply with all provisions of the Records Retention Act, RCW 40.14 regarding the management of its records.

2. In the event that Calvary Refuge Center determines that returning or destroying the Client information within the Calvary Refuge Center system is infeasible, Calvary Refuge Center shall provide to Agency notification of the conditions that make that return or destruction infeasible. Calvary Refuge Center would then limit the use of any identified Client information.