

# HMIS Data Disclosure Protocols

As communities across the state work through the COVID-19 pandemic, our covered homeless organizations (CHOs) may partner with or be contacted by local Public Health Authorities or other types of organizations interested in information about homeless participants impacted by or infected with COVID-19. CHOs may also be referring participants infected with or suspected of being infected with COVID-19. How should CHOs navigate providing relevant information while protecting participant privacy?

This document is intended to inform communities covered under HUD's HMIS Privacy and Security Standards of the ways and limitations that participant information can be shared under the HMIS Standards during an Infectious Disease Emergency Response. The HMIS Standards protect the participant's personally identifiable information (PII) but also allow for uses and disclosures for specific situations. These uses and disclosures are also outlined in the Texas Balance of State HMIS Privacy Notice.

Not sure who your local health organizations are? Visit the [Texas Department of State Health Services website](#) for a list of local public health organizations.

## Uses and Disclosures

### **What are uses and disclosures?**

Uses are internal activities for which CHOs interact with participant PII. Disclosures of PII occur when CHOs share PII with an external entity. **The authority to disclose PII is not unlimited.** The following sections outline reasons to disclose PII, scenarios in which a CHO might make a disclosure, and the necessary steps to make a disclosure.

### **Reasons to disclose information**

Two primary provisions in the HMIS Standard support data disclosures:

- **Disclosures required by law:** A CHO may use or disclose PPI when required by law to the extent that the use or disclosure complies with and is limited to the requirements of the law.
- **Disclosures to avert a serious threat to health or safety:** Uses and disclosures to avert a serious threat to health or safety. A CHO may, consistent with applicable law and standards of ethical conduct, use or disclose PPI if:
  - the CHO, 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; and
  - the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.

## Disclosure Scenarios

There are specific scenarios in which disclosures may be permissible:

- **Scenario 1:** Disclosing information about a participant infected with or suspected of being infected with COVID-19 to a public health authority.

- **Scenario 2:** Disclosing information about a participant infected with or suspected of being infected with COVID-19 to a health care provider.
- **Scenario 3:** Disclosing information about a participant infected with or suspected of being infected with COVID-19 to a shelter or other homeless provider when referring that participant or another participant.
- **Scenario 4:** Disclosing information about a participant infected with or suspected of being infected with COVID-19 to a transportation provider, emergency worker, or first responder when referring that participant or another participant.
- **Scenario 5:** Disclosing information about a participant infected with or suspected of being infected with COVID-19 to a third-party quarantine/isolation facility when referring that participant or another participant.

## Steps to Make a Disclosure

1. Does the disclosure request fit with one of the scenarios outlined in the previous section?
2. Are there any local laws in place that require disclosures of PII?
3. Do you believe, in good faith, that the use and disclosure of a participant's PII will avert a serious threat to health or safety?
4. What is the request asking for?
  - a. If the PHA or organization does not require PII but instead de-identified data will work (such as client ID or overall aggregate numbers), send the de-identified data.
  - b. If the PHA is asking about a single participant, do not send them an entire list of your participants.
5. Ensure that PII is protected. Send data in password locked spreadsheets. [Here's a short tutorial of how to password protect Excel spreadsheets.](#)

**If you do not believe your agency has the capacity to answer a disclosure request from a local PHA or other interested organization, please do not hesitate to send the request to the Texas BoS HMIS Team at [HMIS@thn.org](mailto:HMIS@thn.org). We will need a copy of the disclosure request (this can be sent to us through email) as well as the HMIS client ID(s) of the participant(s) the request is for.**