

City and Borough of Juneau, Housing Office
Personal Data Privacy Policy - General
Original, 6/29/18

EMPLOYEE NAME (PRINT): _____

This policy outlines how the City and Borough of Juneau (CBJ) Housing Program staff will handle personal information accessed through or entered into a statewide database designed to provide and collect information on homelessness in Alaska. CBJ is a member of the Juneau Coalition on Housing and Homelessness (JCHH). Other, but not all, members of JCHH also have access to and enter information into the statewide database. Each agency will have its own policy outlining how they will collect, use, distribute and destroy personal information.

Collection of Personal Information

Personal information will be collected for Alaska Homeless Management Information System (AKHMIS) only when it is:

- Needed to provide services,
- Needed for another specific purpose of the agency where a client is receiving services, or
- Required by law.

Personal information may be collected to:

- Provide or coordinate services for clients,
- Find projects that may provide additional assistance to clients,
- Comply with government and grant reporting obligations,
- Assess the state of homelessness in the community, and/or
- Assess the condition and availability of affordable housing to better target services and resources.

Only lawful and fair means are used to collect personal information.

Personal information is collected with the knowledge and consent of clients. It is assumed that clients consent to the collection of their personal information as described in this notice when they seek assistance from an agency using AKHMIS and provide the JCHH with their personal information. However, a client may not be denied services that he/she is otherwise eligible to receive if the client chooses not to consent to providing their personal information. If JCHH reasonably believes that a client is the victim of abuse, neglect, or domestic violence, or if a client reports that he / she is a victim of abuse, neglect, or domestic violence, JCHH will only enter and share the client's information in the AKHMIS if JCHH receives explicit permission from the client to do so.

Personal information may also be collected from:

- Additional individuals seeking services with a client.
- Other private organizations that provide services and participate in AKHMIS.

Upon request, clients will be able to access the *Use and Disclosure of Personal Information* policy found below.

Use and Disclosure of Personal Information

The Use and Disclosure of Personal Information (UDPI) policy explains why JCHH collects personal information from clients, and how the CBJ will use and disclose personal information. Personal information may be used or disclosed for activities described in this part of the UDPI. Client consent to the use or disclosure of personal information for the purposes described in the UDPI, and for reasons that are compatible with purposes described in the UDPI but not listed, is assumed. **With the exception of the purposes described below**, clients must give consent before their personal information is used or disclosed.

Per the UDPI, personal information may be used or disclosed for the following purposes:

1. To provide or coordinate services to individuals. Client records are shared with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information. If clients access services at one of these other organizations, they will be notified of the agency's privacy and sharing policy.
2. Sharing of data input and generated by HMIS shall be limited outside of the system to the greatest extent possible. If there is a need to share or reference a HMIS file, only the client file number may be shared via email.
3. To carry out administrative functions such as legal audits, personnel, oversight, and management functions.
4. For academic research conducted by an individual or institution that has a formal relationship with the Institute for Community Alliances, the entity providing technical assistance for the AKHMIS. The research will only be conducted by an individual employed by or affiliated with the organization or institution. All research projects will be conducted under a written research agreement approved in writing by the designated agency administrator (for CBJ this is the Housing and Homelessness Services Coordinator), coordinator or Chairman of the JCHH. The written research agreement will:
 - Establish the rules and limitations for processing personal information, and provide security for personal information in the course of the research.
 - Provide for the return or proper disposal of all personal information at the conclusion of the research.
 - Restrict additional use or disclosure of personal information, except where required by law.
 - Require that the recipient of the personal information formally agree to comply with all terms and conditions of the written research agreement
 - Be substituted, when appropriate, by Institutional Review Board, Privacy Board, or other applicable human subjects' protection institution approval.
5. When required by law. Personal information will be released to the extent that use or disclosure complies with the requirements of the law.
6. To avert a serious threat to health or safety if 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
- Made to a person reasonably able to prevent or lessen the threat, including the target of the threat.

7. To report to a governmental authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect or domestic violence, information about an individual reasonably believed to be a victim of abuse, neglect, or domestic violence. When the personal information of a victim of abuse, neglect, or domestic violence is disclosed, the individual whose information has been released will promptly be informed, except if:

- It is believed that informing the individual would place the individual at risk of serious harm, or
- A personal representative (such as a family member or friend) who is responsible for the abuse, neglect, or other injury is the individual who would be informed, and it is believed that informing the personal representative would not be in the best interest of the individual as determined in the exercise of professional judgment.

8. For a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under any of these circumstances:

- In response to a lawful court order, court-ordered warrant, subpoena, or summons issued by a judicial officer or a grand jury subpoena, if the court ordered disclosure goes through the Institute for Community Alliances and is reviewed by their Executive Director for any additional action or comment.
- If the law enforcement official makes a written request for personal information. The written request must meet the following requirements: 1) Be signed by a supervisory official of the law enforcement agency seeking the personal information; 2) State how the information is relevant and material to a legitimate law enforcement investigation; 3) Identify the personal information sought; 4) Be specific and limited in scope to the purpose for which the information is sought; and 5) Be approved for release by the Institute for Community Alliances legal counsel after a review period of seven to fourteen (7-14) days.
- If it is believed that the personal information constitutes evidence of criminal conduct that occurred at the agency where the client receives services.
- If the official is an authorized federal official seeking personal information for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to a 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 (threats against the President and others), and 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.

9. For law enforcement or another public official authorized to receive a client's personal information to conduct an immediate enforcement activity that depends upon the disclosure. Personal information may be disclosed when a client is incapacitated and unable to agree to the disclosure if waiting until the individual is able to agree to the disclosure would materially and adversely affect the enforcement activity. In this case, the disclosure will only be made if it is not intended to be used against the individual.

10. To comply with government reporting obligations for homeless management information systems and for oversight of compliance with homeless management information system requirements, but only to the extent required by law.

Personal Information Storage and Destruction

CBJ will store data and electronic files in accordance with the “CBJ Housing Office: Personal Data Privacy Policy - Electronic Information.”

Printed materials will be stored in a locked drawer, and shredded when disposed.

Inspection and Collection of Personal Information

Clients may inspect and receive a copy of their personal information maintained in AKHMIS. JCHH will offer to explain any information that a client may not understand.

If the client believes the information listed in the AKHMIS is inaccurate or incomplete, the client may submit a verbal or written request to have his/her information corrected. Inaccurate or incomplete data may be deleted, or marked as inaccurate or incomplete and supplemented with additional information.

A request to inspect or copy one’s personal information may be denied on the following grounds:

- The information was compiled in reasonable anticipation of litigation or comparable proceedings;
- The information was obtained under a promise of confidentiality and if the disclosure would reveal the source of the information; or
- The life or physical safety of any individual would be reasonably endangered by disclosure of the personal information.

If a request for inspection access or personal information correction is denied, JCHH will explain the reasons for the denial. The client’s request and the reason for the denial will be included in the client’s record.

Requests for inspection access or personal information collection may be denied if they are made in a repeated and/or harassing manner.

Limits on Collection of Personal Information

Only personal information relevant for the purpose(s) of which it will be used will be collected. Personal information must be accurate and complete.

Client files not used in seven (7) years maybe be inactivated in AKHMIS. Institute for Community Alliances will check with JCHH before a client file is made inactive. Personal information may be retained for a longer duration if it is required by statute, regulation, contract, or another obligation.

Limits on Partner Agency Use of AKHMIS Client Information

The AKHMIS is a data system with limited sharing agreements in place. Providers have the option of changing their program settings to share some or all of a client's data, if the applicable data sharing agreements are in place. Providers serving clients under the age of 18 must maintain closed AKHMIS client files. Youth under the age of 18 may not provide either written or verbal consent to the release of their personally identifying information in AKHMIS.¹

Complaints and Accountability

Questions or complaints about CBJ's privacy and security policies and practices should first be discussed with:

Irene Gallion, Housing and Homelessness Services Coordinator
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
irene.gallion@juneau.org
(907) 586-0623

If these discussions do not resolve concerns, the questions or complaints may be submitted to JCHH through CBJ's Housing and Homelessness Services Coordinator. Please include any information on efforts taken so far to address the concerns. Complaints specific to AKHMIS will be routed to:

Brian Wilson, Executive Director
The Alaska Coalition on Housing and Homelessness
319 Seward Street, Suite 7
Juneau, AK 99801
director@alaskahousing-homeless.org
(907) 523-5660

If there is no resolution, the AKHMIS Advisory Board will oversee formal arbitration. All AKHMIS users (including employees, volunteers, affiliates, contractors, and associates) are required to comply with these privacy policies. Users are required to receive and acknowledge receipt of a copy of this privacy policy.

I have been given a copy of the Personal Data Privacy Policy – General, and the Personal Data Privacy Policy – Electronic Information. I have read and understand these policies, and have had the opportunity to discuss it with the Chief Housing Officer or their designee:

Signature of Employee and date

¹ Under very limited circumstances, parents or legal guardians of youths under the age of 18 may provide written consent to the release of the youth's personally identifying information in AKHMIS.