

EMPLOYERS' TRAINING RESOURCE

Homeless Prevention and Rapid Re-housing Program Privacy Notice

Effective October 1, 2009
Version 1.0

A. What This Notice Covers

1. This notice describes the privacy policy and practices of Employers' Training Resource (ETR). Our main office is at 2001 28th Street, Bakersfield, CA 93301. Our main office phone number is (661) 336-6600, and our Web address is www.etronline.com. Our e-mail address is etrweb@co.kern.ca.us.
2. The policy and practices in this notice cover the processing of Protected Personal Information (PPI) for our clients participating in the Kern County Homeless Prevention and Rapid Re-housing Program (HPRP). This notice covers all personal information that ETR maintains in its role as a partner in the Kern County HPRP program. Information entered and accessed by programs that are contractors or other partners of the Kern County HPRP or users of the HMIS are covered by their specific privacy policies.
3. PPI is any information ETR maintains about a client that:
 - a) Allows identification of an individual directly or indirectly;
 - b) Can be manipulated by a reasonably foreseeable method to identify a specific individual;
or
 - c) Can be linked with other available information to identify a specific client. When this notice refers to "personal information," it means PPI.
4. ETR adopted this policy in accordance with the Homeless Management Information Systems Data and Technical Standards issued by the Department of Housing and Urban Development. We intend our policy and practices to be consistent with those standards. See 69 Federal Register 45888 (July 30, 2004).
5. This notice tells our clients, our staff, and others how we process personal information. We follow the policy and practices described in this notice.
6. We may amend this notice and change our policy or practices at any time. Amendments may affect personal information that we obtained before the effective date of the amendment. The new notice will be posted at www.etronline.com at least 30 days prior to taking effect.
7. ETR will provide a written copy of this privacy notice to any individual or organization that requests one. ETR also maintains a copy of this notice on its Web site located at www.etronline.com.

B. How and Why We Collect Personal Information

1. ETR collects personal information only when appropriate to provide services or for another specific purpose of our organization or when required by law. We may collect information for the following purposes:
 - a) To provide or coordinate services to clients;
 - b) To locate other programs that may be able to assist clients;
 - c) For functions related to payment or reimbursement from others for services that we provide;
 - d) To operate our organization and its programs, including legal activities, audits, personnel, oversight, contract monitoring, program evaluation, and other management and/or administrative functions;
 - e) To comply with government and funder reporting obligations;
 - f) For research, data analysis, and community reporting purposes; **and**
 - g) When required by law.
2. We only use lawful and fair means to collect personal information.
3. We normally collect personal information with the knowledge or consent of our clients. If you seek our assistance and provide us with personal information, we assume that you consent to the collection of information as described in this notice and that we may enter the information collected into the HMIS.
4. We may also get information about you from the following sources:
 - a) Individuals who are with you, such as a guardian, caretaker, or advocate;
 - b) Other private organizations that provide services such as the Bakersfield Homeless Center, Clinica Sierra Vista, Homeless Respite East Bakersfield, United Way of Kern County, Greater Bakersfield Legal Assistance, Community Action Partnership of Kern, Alliance Against Family Violence, Kern County Housing Authority, and Flood Bakersfield Ministries Inc. (with proper consent);
 - c) County and other government agencies such as the Kern County Department of Mental Health, the Kern County Department of Human Services, and the Kern Medical Center Health Plan; and
 - d) Telephone directories and other published sources.
5. We post a sign at our intake desk or other location explaining the reasons we ask for personal information. The sign says:

We collect personal information directly from you for reasons that are discussed in our privacy policy. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to operate our programs, to improve services for homeless individuals, and to better understand the needs of homeless individuals. We only collect information that we consider to be appropriate.

The collection and use of all personal information is guided by strict standards of confidentiality as outlined in our privacy policy. A copy of ETR's privacy policy is available upon request for your review. A copy of ETR's privacy policy is also available on its Web site located at www.etronline.com.

C. How We Use and Disclose Personal Information

1. We use or disclose personal information for activities described in this part of the notice. As necessary to help you, we may or may not make any of these uses or disclosures.

We assume that you consent to the use or disclosure of your personal information for the purposes described here and for other uses and disclosures that we determine to be compatible with these uses or disclosures:

- a) To **provide or coordinate services** for individuals to help them exit homelessness. We share client records (with consent) with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information;
- b) For functions related to **payment or reimbursement for services**;
- c) To **carry out administrative functions** such as audits, personnel, oversight, and management/management functions, including the maintenance and operation of the HMIS;
- d) To **create de-identified (anonymous) information** that can be used for research and statistical purposes without identifying clients;
- e) **When required by law** to the extent that use or disclosure complies with and is limited to the requirements of law;
- f) To **avert a serious threat to health or safety** if:
 - (1) we believe that 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**
 - (2) the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat;
- g) To **report about an individual we reasonably believe to be a victim of abuse, neglect, or domestic violence to a governmental 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; **or**
 - (3) to the extent that the disclosure is **expressly authorized** by statute or regulation; **and**
 - (a) we believe the disclosure is necessary to prevent serious harm to the individual or other potential victims; **or**
 - (b) if the individual is unable to agree because of incapacity, then a law enforcement or other public official authorized to receive the report represents

that the PPI for which disclosure is sought **is not intended to be used against the individual** and that 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; **and**

- (c) when we make a permitted disclosure about a victim of abuse, neglect or domestic violence, we will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:
 - (i) in the exercise of professional judgment, we believe informing the individual would place the individual at risk of serious harm, **or**
 - (ii) we would be informing a personal representative (such as a family member or friend), and we reasonably believe 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 we determine in the exercise of professional judgment.

h) For **academic research purposes**, release of PPI will be allowed if research is:

- (1) conducted by an individual or institution that has a formal relationship with ETR if the research is conducted by either:
 - (a) 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 a designated ETR program administrator (other than the individual conducting the research), **or**
 - (b) an institution for use in a research project conducted under a written research agreement approved in writing by a designated ETR program administrator; **and**
- (2) The formal relationship is contained in a written research agreement that must:
 - (a) establish rules and limitations for the processing and security of PPI in the course of the research
 - (b) provide for the return or proper disposal of all PPI at the conclusion of the research
 - (c) restrict additional use or disclosure of PPI, except where required by law
 - (d) require that the recipient of data formally agree to comply with all terms and conditions of the agreement, **and**
 - (e) not be a substitute for approval (if appropriate) of a research project by an Institutional Review Board, Privacy Board or other applicable human subjects protection institution.
- i) To a law enforcement official **for a law enforcement purpose** (if consistent with applicable law and standards of ethical conduct) under any of the following circumstances:
 - (1) In response to a lawful court order, court-ordered warrant, subpoena, or summons issued by a judicial officer, or a grand jury subpoena; and

- (2) If the law enforcement official makes a **written request** for PPI that:
 - (a) is signed by a supervisory official of the law enforcement agency seeking the PPI;
 - (b) states that the information is relevant and material to a legitimate law enforcement investigation;
 - (c) identifies the PPI sought;
 - (d) is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; **and**
 - (e) states that de-identified information could not be used to accomplish the purpose of the disclosure;
 - (3) If we believe in good faith that the PPI constitutes **evidence of criminal conduct** that occurred on our premises;
 - (4) In response to an oral request for the purpose of **identifying or locating a suspect, fugitive, material witness, or missing person**, and the PPI disclosed consists only of name, address, date of birth, place of birth, Social Security Number, and distinguishing physical characteristics;
 - (5) If the official is an authorized federal official seeking PPI for the provision of **protective services to the President** or other persons authorized by 18 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** if 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; **and**
- j) To comply with **government reporting obligations** for homeless management information systems and for oversight of compliance with homeless management information system requirements.
2. Before we make any use or disclosure of your personal information that is not described here, we will seek your consent first.

D. How to Inspect and Correct Personal Information

1. You may inspect and have a copy of your personal information that we maintain. We will respond to any such request within a reasonable time frame, usually two to three business days. We will offer to explain any information that you may not understand.
2. We will consider a request from you for correction of inaccurate or incomplete personal information that we maintain about you. If we agree that the information is inaccurate or incomplete, we may delete it or we may choose to mark it as inaccurate or incomplete and to supplement it with additional information.
3. To inspect, get a copy of, or ask for correction of your personal information, you may ask any HPRP staff member. The appropriate staff member will be located to assist with the

review and/or correction of the file within a reasonable time period, usually two to three business days.

4. We may deny your request for inspection or copying of personal information if:
 - a) The information was compiled in reasonable anticipation of litigation or comparable proceedings;
 - b) The information is about another individual (other than a health care provider or homeless provider);
 - c) The information was obtained under a promise or confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; **or**
 - d) Disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.
5. If we deny a request for access or correction, we will explain the reason for the denial. We will also include, as part of the personal information that we maintain, documentation of the request and the reason for the denial.
6. We may reject repeated or harassing requests for access or correction.

E. Data Quality

1. We collect only personal information that is relevant to the purposes for which we plan to use it or as required for reporting to our funders. To the extent necessary for those purposes, we seek to maintain only personal information that is accurate, complete, and timely.
2. We are developing and implementing a plan to dispose of personal information not in current use seven years after the information was created or last changed. As an alternative to disposal, we may choose to remove identifiers from the information so that the data can be maintained for analysis purposes.
3. We may keep information for a longer period if required to do so by statute, regulation, contract, or other requirement.

F. Complaints and Accountability

1. We accept and consider questions or complaints about our privacy and security policies and practices. You have the right to be heard if you feel that your confidentiality rights have been violated, if you have been denied access to your personal records, or if you have been put at personal risk, or harmed. ETR has established a formal grievance process (Policy Bulletin: #ETR 19-05, *Grievance Procedure, Including Nondiscrimination Complaint*) for you to use in such a circumstance. To file a complaint or grievance, you may request a copy of the policy bulletin from an ETR staff member or by calling (661) 336-6893. The policy bulletin is also available on ETR's Web site at www.etronline.com.

2. All members of our staff (including employees, volunteers, affiliates, contractors and associates) are required to comply with this privacy notice. Each staff member must receive and acknowledge receipt of a copy of this privacy notice.

G. Privacy Notice Change History

Each copy of this notice will have a history of changes made to the document. This document's change history is as follows:

1. Version 1.0 October 1, 2009 (Initial Policy)