Michigan Statewide Homeless Management Information System

Privacy and Confidentiality Update Training ServicePoint 5.11

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Rev. 11/25/2014

Session Logistics

- **To update your privacy training you must complete several podcasts:**
  - All Users (about 1.5 hours):
    - Privacy Update Training
    - Using the Un-named Record
    - Securing Client Records
  - Agency Administrators and System Administrators must also complete:
    - Establishing Visibility on Provider Pages.

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Session Logistics

Handouts:

- **All participants in this training must have completed the General Privacy and Confidentiality Training and signed a User Agreement/Code of Ethics.**
- For Podcasts, Handouts and Certification Go To:

http://mihomeless.org/index.php/hmis-training-certification/certification-site-orientation

Complete the Orientation, Register, Sign-in and take the appropriate Quizzes.

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What's new in Privacy Guidance

- All users are required to update Privacy and Security Training annually.
- Each agency is required to assign a privacy officer. MSHMIS has designed a checklist training for the designee. Be sure to document that training.
- The objective of this is to improve privacy – a good thing – and make this very doable.

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What's new in Privacy Guidance: (cont.)

- MSHMIS has issued new Policies and Procedures designed to guide the implementation statewide and assure compliance with HUD's Data Standards.

Visit

http://mihomeless.org/index.php/downloads/contracts-agreements-policies

For HMIS Operating P&P 1-15-13 and

Privacy and Security Officers Training 5-14-13

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The Operational Privacy Rule

Decisions about sharing records through MSHMIS are made by the participating agency with informed client consent.

- Agencies decide which other agencies they share with to create a single point of entry and/or to coordinate care.
- Agencies decide what parts of the client record are shared with whom. Different parts of the record may be shared with different partners.
- The client agrees to the sharing with regard to his or her information.

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Domestic Violence Providers

- Domestic Violence Programs are forbidden from participating on the HMIS.
- The Law does not apply to DV survivors that seek services from non-DV providers.
- Domestic Violence agencies may assess risk and provide their clients – that seek services outside the DV agency - instructions to request that their data be entered as “un-named” and/or that their data not be shared.

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Core Principal

- Clients cannot be denied services that they would otherwise qualify for based on a refusal to share information.
  - **One Exception:** If sharing is a prior requirement of program participation such as in a true collaboration where staff work together, the program may continue to operate on that rule.
  - **Can a client be refused basic entry?** Only if that is your agency policy. However, **there is implied consent for basic entry when information is given during care**. Many programs require basic records to provide services and report to funding organizations. The system offers an "un-named" entry option if privacy is a special concern.

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Review Questions

- Privacy Training is required annually. (T/F)
- Agencies must assign a Privacy Officer who has completed MSHMIS Training. (T/F)
- Who makes the basic decisions about what is shared with whom?
- What is required to share any particular client's data?

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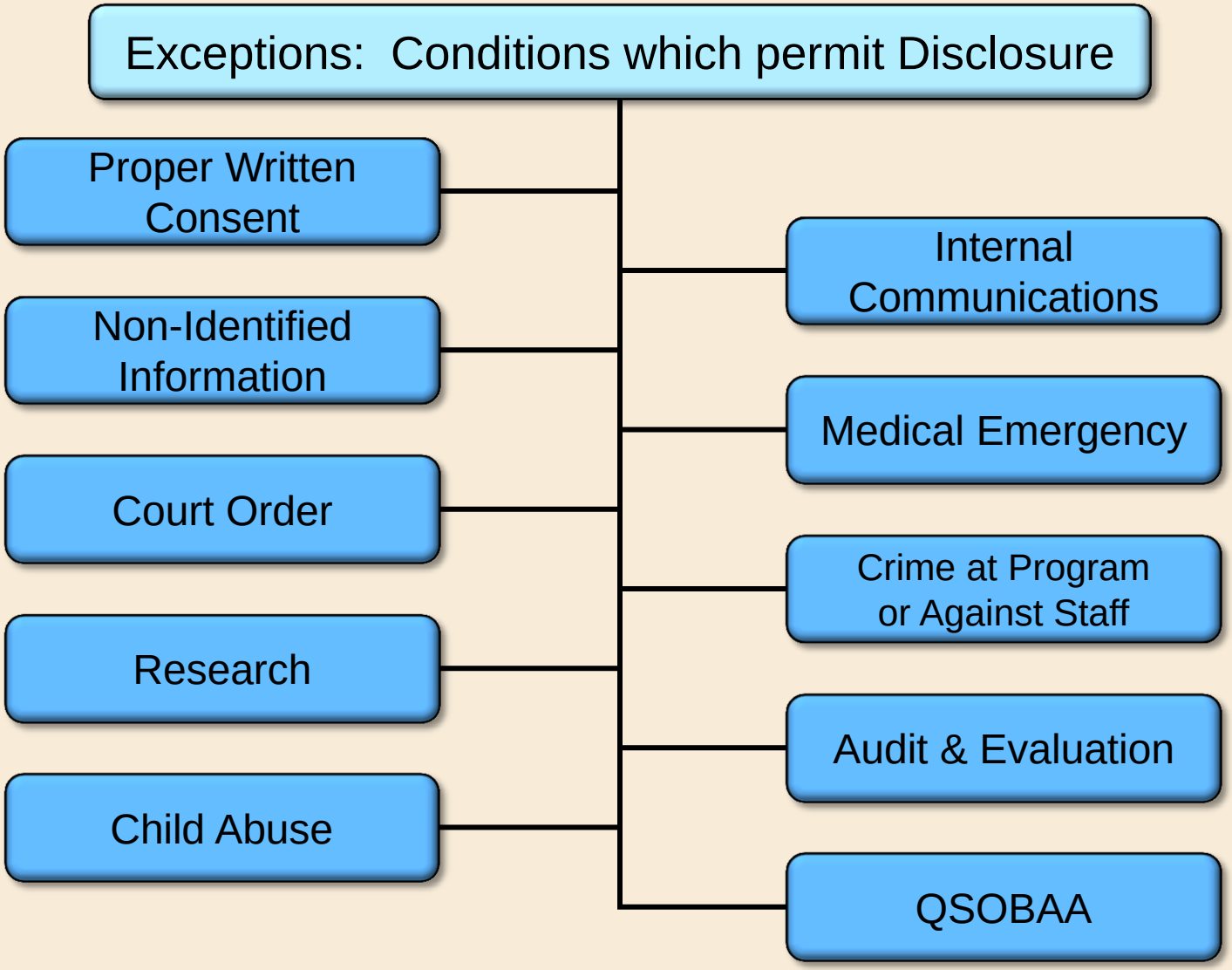
HIPAA General Rule

Individuals and/or Entities are prohibited from disclosing any patient related information



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Road Map for Informed Consent

The next section will cover the tools of Informed Consent:

- HUD Public Notice
- Agency Privacy Notice
- Agency Script / Standardized explanation
- MSHMIS Release / Acknowledgement
- 2nd HIPAA Compliant Release for sharing higher risk information

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Screening for Safety

- All organizations must screen clients for privacy issues.
- Through the Privacy Tools, MSHMIS makes clients a partner in the core decisions related to data sharing.
- If a risk is identified, agencies are asked to help clients communicate their preferences with other participating agencies.

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HUD Public Notice

Agency displays the HUD Notice:

Public Notice

Michigan Statewide Homeless Management Information System

We collect personal information directly from you for reasons that are discussed in our privacy statement. 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 run our programs, to improve services for homeless persons, and to better understand the needs of homeless persons. 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. Our Privacy Notice is posted. A copy of our Privacy Notice is available to all consumers upon request.

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Privacy Notice & Privacy Script

- Sample Notice with required information is provided.
- Oral explanation of the Privacy Notice is planned by the agency – a Privacy Script is adopted reflecting the type of service, the type of information, and any planned sharing
- The staff provides the Privacy Notice/Script to the client and explains the Notice.
- The Notice is placed on your website.

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Privacy Script

Agencies must develop a Privacy Script to standardize the explanation of agency privacy rules

- Script should be developed with agency leadership
- Reflects Sharing Agreements and Levels of Risk
- Should be appropriate to the general education level/literacy level of the agency's clients

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The MSHMIS Release/Acknowledgement

- A MSHMIS Release (if sharing) / Acknowledgement (if not sharing) accompanies the Privacy Notice.
- Because each record can be completely closed, the Release obtains client consent regarding for the “Client Profile” search screen and data sharing - NOT basic entry.
- When closed, MSHMIS operates like any other internal record-keeping system. The Release is simply an acknowledgement of the Privacy Notice.

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About the Client Profile Search Screen

- The Profile is the only open default item on the MSHMIS. It includes the Client Name, the Year of Birth, the Gender, and the last 4 digits of the SS# with client approval.
- The Profile is used from the "Search Screen" to select a client record, to enable the sharing of records, and to reduce duplication in the system – a client gets one, and only one, identifier.
- The Client Profile does not disclose where services are being delivered or what services a client is receiving.
- The Profile may be closed as needed. This will prevent all but *the serving agency* and *any planned sharing partners* from seeing the name on the search screen.

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MSHMIS Release Step 1:
The Profile – Client Search Screen
Determine how identifying information will be handled.

- The Profile should be closed if:
  a. The client is concerned about someone knowing they have sought services even if no information about the specific service is given.
  b. The client has friends, family or enemies who work in MSHMIS participating agencies.
- The Profile may be closed by clicking the "security" button. The Profile may be closed to all or restricted to a small number of exceptions/sharing partners.
- When removing external sharing be sure to leave the programs within your agency unless otherwise specified by law.

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Determining if Addition Protections Beyond "Closing" the Profile are Needed – Using Other Entry Options:

If the client is at <u>significant</u> risk, is well known, or has a relationship with the agency itself (e.g. the child of a Board member), closing the Profile may not be enough.

- The "Un-named" record:
  - If risk is identified for the client, MSHMIS offers an interface that does not include the client's name or SS#. Further, when a client is entered using this interface, they may <u>not</u> be searched using any identifying information – the name and SS# are not saved on the system. However, unlike "Anonymous" this does allow for unduplication. Set-up for this occurs on the User License.
  - Recommended Use: Agencies that normally enter named data may use this as an option for clients with additional risk.
- Because we offer Un-named records and clients sometimes change their names, **be sure to write down the Client Number or print the opening screen** and keep that secure. If you lose that number, you will be unable to find the record in the future.

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Final Issues Related to Profile

- Because we allow users to close the Profile, it is very important that you **carefully enter the first and last names, DOB, and gender**. These fields are used by the system to identify duplicate records. They are the most important fields in the System.

- In collecting the name, DOB, and gender we ask that agency staff request an ID if possible. Names should be entered as they are on the ID.

- Staff are the first round of unduplication. You know your client! Always use the record associated with that client. Ask the client if they are in the System under another name, they should know. You may update the name as appropriate.

- While you enter the full SS#, only the last 4 digits will show to support identification.

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MSHMIS Release Step 2: Sharing

- Does the Client agree to the Sharing Plan defined in the agency's Sharing Agreement(s)/ QSOBAA? The Client approves the total Sharing Plan or does not agree to share.
  - Sharing is configured by assessment (not by question).
  - The client is provided information about what is shared with whom.
  - If the client does not approve the sharing plan, **staff should tailor visibility to exclude external sharing. Remember the electronic ROI is required for both internal (does not require a signed release) and external (does require a signed release) sharing.** Don't close yourself out.
  - All ROIs have a specified end date. **You must enter a new ROI to continue internal sharing after the old one expires.**

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Review Questions

- What is required to achieve “Informed Consent” if sharing includes disability status?
- What information is viewable for all approved users from the Search Screen - Client Profile?
- The Client Profile does *not* disclose where services are being delivered or what services a client may be receiving. (T/F)
- What are the most important data elements to enter correctly into the system?

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Sharing Rules in SP 5.x

- Sharing is a “planned and purposeful” activity that is governed by established policies and procedures and controlled within the system by setting up Visibility Groups and entering an ROI.
- In SP 5.x, agencies establish sharing via “visibility” and/or Visibility Groups.
- An electric ROI must be added to enable the defined sharing for that record.

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Internal Sharing in SP 5.x

- Sharing setup is much easier. Visibility can be created for an agency and all its children by simply pulling the agency. If the agency adds provider pages, the visibility automatically adjusts.

- Through visibility groups, SP 5.x shares retrospectively within an agency if they add a program at a later date. Set up your Visibility Group ASAP! If your agency provides services in more than one CoC, contact MCAH for assistance.

- Podcasts and written documentation on “Securing Client Records” is provided at our website.
- http://mihomeless.org/index.php/downloads/training-addendums

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External Sharing SP 5.x

- Sharing data collected prior to executing a Release with other/outside agencies is not allowed!! You may not add a new agency to an existing Visibility Group.
- If an Interagency Sharing QSOBAA has been established and a new agency wishes to join that QSOBAA, the "external" Visibility Group that allows sharing must be closed and end dated and a new Visibility Group established to which the additional provider(s) are added.
- Any additions to an external Visibility Group (once established) will result in a violation of privacy unless all clients impacted have agreed to the retrospective sharing!!!
- **Never delete a Visibility Group as all sharing covered under that Group will terminate.**

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Computer Security

- All computers that directly connect to the internet must have a properly configured firewall, current anti-virus and spyware protection, and the most current patches, upgrades, or hot fixes.
- All servers must be protected by a firewall, current anti-virus, and current patches, upgrades or hot fixes.
- All computers used to access MSHMIS must be secured from public use. *USERS ARE NEVER ALLOWED TO SIGN IN TO THE SYSTEM FROM A PUBLIC LOCATION (Library, Internet Café, etc.).*

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Computer Security

- Tablets and other portable electronic devices
  - Encrypted and password protected
  - Option to erase after specified number of failed attempts to open.
- File Sharing & Cloud Storage:
  - Make sure the channel to and from is encrypted.
  - Files are encrypted once stored.
  - Encrypt and password protect files on your local System before using sharing services
- CSV and XML Exports should be immediately deleted from your local computer once the export is finished.

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Computer Security (cont.)

- Strongly Recommended Internet Tools settings*:
  - History to 2 days, and
  - **Delete temporary files on exit.**

- 5.x requires a large temporary file cache for a single session. To support use of 5.x, please adjust your cache size when you complete the above settings.

*Some IT Departments may require you to use other settings as part of their security tracking process. If that exists, please comply with your organizations requirements.

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Remote Access of MSHMIS

If your agency allows access to the system from a location outside of an agency office, a policy must be developed to outline the terms of access. This policy should include:

- Where the MSHMIS system can be accessed outside of the office (e.g. for field and remote office use).
- What computers may be used to access MSHMIS (e.g. only agency owned computers may be used)
- What security measures are enacted on computers with external access (e.g. computers locked when not in use).
- Privacy measures that should be in place where remote access is permitted (e.g. data that include personal information may not be downloaded)

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This policy should included in your agency's policies and procedures manual.

Review Questions

- An advantage to SP 5.x is ability to share historical client data internally. It is important to set up your agency Visibility Group ASAP. (T/F)
- SAIs may not add new agencies to an existing External Visibility Group. (T/F)
- Users are never allow to sign onto the System on a computer that is accessible to the public. (T/F)

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Privacy is a Culture:
Common Violations – About Releases

- Staff having clients sign “blank releases” that are filled in at a later date when staff need them.

- The use of “General Releases” (prohibited by state and federal law).

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Privacy is a Culture:
Common Violations – Culture

- Staff disclosing client information to 3rd parties without client authorization.
- Staff discussion within professional settings - “informal case discussions” that occur on-site where other’s without a “need to know” may overhear.
- Staff discussion outside professional settings – case discussions over coffee in restaurants.

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Privacy is a Culture:
Common Violations – Culture

- Staff identifying individuals as clients at social events and/or self-help groups.
- Agencies and staff failing to establish and/or inform clients of the rules related to privacy and confidentiality when participating in group sessions.
- Staff identifying clients (without consent) when taking phone calls.

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Privacy is a Culture:
Common Violations – Culture

- Cars --- Where clients park reveals their life choices. This issue can extend to staff who have identified risk as well. Consider personnel policies as well as client policies.

- Client files left in an open area for others to see. Are files in use put away when others are about?

- Unlocked and/or unattended client charts. Is the records room supervised or locked at all times?

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Privacy is a Culture:
Common Violations – Workspace

- Unattended computer screens with client information visible or accessible.
  - Use a screen saver
  - Close down when you take breaks

- Attended computer screens visible to unauthorized personnel while entering data (workspace configuration)

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Privacy is a Culture:
Common Violations – #1 Issue
Password Control

- Unauthorized use of computer passwords and/or log-in codes
- Writing down, losing and/or sharing your user ID and password.
- Weak or easily guessed passwords
  - 80% of all security issues stem from poor passwords
    - Passwords are like underwear
      - Change yours often
      - Don't use other's
      - Don't share, even with friends
      - Keep them discreet
      - Don't leave them lying around

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Privacy is a Culture:
Common Violations – #1 Issue
Password Control

Tips for creating strong passwords

- Use Favorite Phrases
- Stay away from dictionary and personal meaning words
  Baseball, Charlevoix, family names (bob, sally, etc.)
- Stay away from meaningful dates and number
  i.e. birthdays, anniversaries, Social Security Number, etc.
- Don't use sequences like "abcdefg", "123qweasd", "54321", etc.
- Don't use reversed words
  October vs. rebotco
- Never spell anything correctly
  October2005 vs. 0ktbr25
- Use upper and lower case characters, numbers and special symbols

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Privacy is a Culture:
Common Violations – #2 Issue
Downloads

Downloads client data on home computers **(#2 most likely vulnerability).**

- If completing work at home/approved remote locations, plan for the process, control/restrict downloads, and ensure hard drives are properly cleaned.
- Do not allow data that includes Personal Identifying Information (PII) to be transported on USB drives or other mobile devices.
- Issue clear guidelines for disposing of mobile devices used on the job.

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Privacy is a Culture:
Common Violations – #2 Issue
Downloads

Identify and secure computers within your agency where client information exists.

- Agency failing to have proper security for storing, retrieving, and accessing client information. Any file (Word, Excel, etc.) with client identifiers on an agency computer should be secured.
- When “swapping out a computer” be aware of what is on the computer and plan for the cleaning of that hard drive.

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About the Tools We Use

E-mail, cell phones, text messages, electronic chat are not secure.

- When communicating outside of “slug mail”, use the client ID number in MSHMIS and do not include any identifying information. Any client related information in attachments should be encrypted prior to sending via email. Make sure to communicate the password to the file through a different medium of communication than the one used to send the data. (i.e. if e-mailing a file, call the person to transmit the file password verbally)
- Staff and clients should be thoughtful about what they say over a cell phone.

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Other Issues

- Social Engineering- falling for phone calls or emails in which someone portrays themselves as a trusted resource in order to gain sensitive information
  - Always question who is on the other end of the phone.
  - Never open any emails from those whom you do not recognize, if unsure, call the person that sent the email for confirmation
  - Always ask for a call-back number.
  - If suspicious, say you will call them back.
  - Beware of the computer repair person that shows up unannounced

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Remember:

You have a professional responsibility to maintain an individuals “Right to Privacy”

There are penalties for violating the client’s “Right to Privacy”

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Tracking Privacy

The System provides a tracking of all individuals who have "touched" a record within the system, assuring personal accountability regarding what is done within the System.

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MCAH Website

The MCAH Website contains:

- A List of organizations that can see the Profile statewide
- The most current version of all the forms and documents.

www.mihomeless.org

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Final Review Questions

- What are the two most common privacy risks associated with all automated records?
- It is critical to run reports frequently. (T/F)

SEND IN YOUR COMPLETED TEST

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