



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-0500

August 6, 2009

Mr. Donald Saunders  
Director of Civil Legal Services  
National Legal Aid & Defender Association  
1140 Connecticut Avenue, NW, Suite 900  
Washington, DC 20036

RE: Homeless Management Information System (HMIS) Confidentiality Issue under the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Dear Mr. Saunders:

Thank you for your memorandum dated June 11, 2009, expressing concerns for protecting privileged information and personal privacy under the HMIS reporting requirements for the Homelessness Prevention and Rapid Re-Housing Program (HPRP). The issues you raise have received considerable attention in developing the data and technical standards for the Homeless Management Information System (HMIS). During this past year, the U.S. Department of Housing and Urban Development (HUD) convened a series of specialized workgroups to review the 2004 HMIS Data and Technical Standards. The workgroups developed a comprehensive set of revisions that resulted in the HMIS Data Standards Revised Notice, published in June 2009. Information regarding HMIS may be found at [www.hudhre.info](http://www.hudhre.info), the HUD Homelessness Resource Exchange, and at [www.hmis.info](http://www.hmis.info).

As you are aware, HMIS is an electronic data collection system that stores longitudinal person-level information about persons who access the homeless services system in a Continuum of Care (CoC). The American Recovery and Reinvestment Act of 2009 (ARRA) identified HMIS as the primary tool for the collection of data on the use of the funds awarded and persons served through the HPRP.

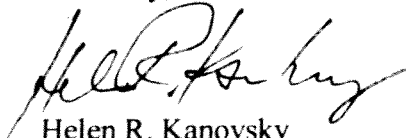
The HMIS collection standards allow HUD to receive aggregate data so that HUD can monitor the uses of HPRP funds and program effectiveness. Local CoCs can also use this data to evaluate outcomes and improve homeless service provision in their local areas. While HMIS data is collected at the CoC level (the information collected includes: name; social security number; date of birth; race; ethnicity; gender; veteran status; disabling condition; residence prior to program entry; zip code of last permanent address; homeless status; program entry date; program exit date; personal identification number; and household identification number), this data is aggregated at the state and national levels and is only provided to HUD in aggregate form. The aggregate data that HUD uses to monitor and evaluate the HPRP program do not include personally identifiable information. Further, an individual's privacy and the confidentiality and security of his or her information are ensured by the data collection standards and the records systems within which the information is maintained. In addition, the safeguards of the Privacy Act, 5 U.S.C. § 552a, further protect individuals and their privacy interests. (Under the data standards an individual's name and

identifying data are collected in order for the individual to participate in programs and receive benefits; however, disclosure of that information is restricted by 5 U.S.C. § 552a (b), which addresses conditions of disclosure under the Privacy Act.) The data standards also allow the individual to request that their privacy information not be made public and, if appropriate, to be removed from the database altogether.

Further, legal services organizations that are HPRP sub-grantees may utilize a comparable client-level database for collecting and reporting data on eligible HPRP program participants. To be considered a comparable client-level database, the system must comply with the requirements established in the HMIS Data and Technical Standards. When a comparable client-level database is used, the legal services organization must remove duplicate data before providing aggregate data to the grantee. Although the June 2009 HMIS Data and Technical Standards do not address the use of a comparable client-level database by legal services sub-grantees, HUD implemented the current policy to ensure client confidentiality. On July 24, 2009, HUD opened a 60-day period for public comment on the Revised HMIS Data Standards and other HPRP reporting requirements. At the conclusion of this period, HUD will review the comments and, after a second 30-day comment period, finalize the HMIS Data Standards.

Based on our review of the HMIS reporting requirements, the data standards used by HMIS for the HPRP do not impose a requirement to collect information that is confidential, attorney-client privileged, or that would over-ride an attorney's rules of professional responsibility. Further, HUD's use of the HMIS or comparable client-level system in the HPRP data collection does not violate a person's privacy interest in protected or privileged information. Once again, we appreciate your concerns and we hope this additional information addresses your questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen R. Kanovsky". The signature is fluid and cursive, with the first name being the most prominent.

Helen R. Kanovsky  
General Counsel