## APPENDIX E: Confidentiality Guidelines

**CONFIDENTIALITY GUIDELINES**

The CHO agrees to abide by all present and future federal and state laws and regulations relating to the collection, storage, retrieval, and dissemination of client information for SC HMIS. The CHO will only release general client information (NOT including alcohol or drug abuse, HIV/AIDS, or mental health) with implied consent where client has been informed of the SC HMIS Privacy Policy and has been offered a copy. CHO will only release client confidential information that includes alcohol or drug abuse, HIV/AIDS, or mental health issues with **written** consent of the client. Federal laws include, but are not limited to, the federal confidentiality regulations as contained in the Code of Federal Regulations, 42 CFR Part 2., regarding the disclosure of alcohol and/or drug abuse record: The Health Insurance Portability and Accountability Act of 1996 (HIPAA), when applicable.

1. The CHO will only collect Protected Personal Information that is relevant to the HMIS and to its program operations and to comply with regulations governing the HMIS.
2. The CHO will provide a verbal explanation of the HMIS to clients and arrange, when possible, for a qualified interpreter, and/or make responsible accommodations for persons with disabilities to include sign language, braille, audio, or larger type. **Note: This obligation does not apply to CHOs who do not receive federal financial assistance and who are also exempt from the requirements of Title III of the Americans with Disabilities Act because they qualify as “religious entities” under that Act.**
3. The CHO will make a copy of the SC HMIS Privacy Statement available to any client requesting a copy.
4. The CHO agrees to limit access to information furnished by the HMIS to its own employees specifically for the purpose of inputting or verifying client data and/or entering into the system records of services provided.
5. The CHO agrees to use due diligence and care in assigning staff to use HMIS. All such employees will be required to sign a statement of confidentiality, which includes a pledge of compliance (**Appendix C**). Each statement of confidentiality will be forwarded to and maintained by the System Administrator. The User ID of the person who is entering information is a part of the computer record. The CHO will verify that the person is authorized to enter data into the system.
6. The CHO shall be responsible for the maintenance, accuracy, and security of all its homeless assistance records and terminal sites and for the training of agency personnel regarding confidentiality.
7. The CHO Executive Director must accept responsibility for the validity of all records entered by the agency. The Executive Director may designate an immediate subordinate staff member with supervisory responsibilities for verifying the accuracy of information.