

LAD Privacy Notice

The Legal Aid and Defender Association, Inc., (LAD) collects certain information from our clients to help us meet their needs as well as the needs of the client eligible persons in our community as a whole. In addition to LAD's database which is only available to LAD, the state of Michigan has a database to which LAD adds information for certain individuals. The state system, Michigan State Homeless Management Information System (MSHMIS) is used by many agencies in this area to keep computerized case records.

The MSHMIS was developed to meet a data collection requirement made by the United States Congress to the Department of Housing and Urban Development (HUD). Congress passed this requirement in order to get a more accurate count of individuals who are homeless and to identify the need for and use of different services by those individuals and families. We are working to assist the State of Michigan in meeting the goal set by Congress by collecting statistical information on those who use certain designated services and report that information to a central data collection system.

Many agencies in this area also use the MSHMIS. Some, only with your permission, share information you provide with other MSHMIS participating agencies. The information that you may agree to allow us to collect and share includes: basic identifying demographic data (e.g., name address, birth date, phone number) and **does not include** any details about the services and referrals you receive from our agency.

Sharing information with MSHMIS and other agencies helps us to better understand the number of individuals who need services from more than one agency. This may help us to meet your needs and the needs of others in our community. Sharing information through MSHMIS can also help us make referrals more easily, often with less paperwork for us and for you.

Maintaining the privacy and safety of those using our services is very important to us. Information gathered about you is personal and private. We collect information only when appropriate to provide services, manage our organization, or as required by law. Your record will only be shared if you give your permission to do so. Depending on your individual situation, there may be benefits and/or risks for you to carefully consider before you decide whether or not to consent to the release of any identifying information to another agency. While the LAD system will always have your name, in the MSHMIS system, you have the right to request that your name be entered in the system as "un-named". You cannot and will not be denied services that you would otherwise qualify for if you choose this option.

Please note that we will ONLY share your demographic information with other agencies. However, we must still report some information to the central data collection system, which is set up to protect your name and privacy, because of our federal and state requirements.

CONFIDENTIALITY RIGHTS

LAD has a professional responsibility as your attorney to keep information relating to your case with our office confidential. As your attorney we will not share any information we have about your case other than anonymously with all identifying information removed.

LAD also has a confidentiality policy that follows federal regulations and has been approved by its Board of Directors. Specifically, this policy follows all HUD and HIPAA confidentiality regulations that are applicable to this agency.

LAD is restricted to using or disclosing personal information from the MSHMIS to the following circumstances:

- To provide or coordinate services to an individual with proper client consent;
- For functions related to payment or reimbursement for services.
- To carry out administrative functions including but not limited to legal, audit, personnel, planning, oversight and management functions;
- Databases used for research, where all identifying information has been removed.
- Where a disclosure is required by law such as a medical emergency or a serious safety threat.

YOUR INFORMATION RIGHTS

As a client receiving services at this agency, you have the following rights:

- **Access to your record.** You have the right to review your MSHMIS record. At your request, we will assist you in viewing the record within 5 working days.
- **Correction of your record.** You have the right to request to have your record corrected so that information is up-to-date and accurate to ensure fairness in its use.
- **Refusal.** You have the right to refuse consent to share your information with other agencies. You cannot be denied services that you would otherwise qualify for if you refuse to share information. Please note that if you refuse this permission, information will still be entered into the system for statistical purposes, but your information will be closed so that no other agency will have access to it.
- **Anonymous Entry.** You have a right to have your name entered as “Anonymous” if for some reason your name presents a risk even if not shared with other agencies.
- **End Date of Consent and Withdrawal of the Release of Information Form.** If you choose to allow information to be shared with other agencies, your release will be in effect for the time frame you tell us. After that time, no new information will be shared unless you sign another release. The release of information agreement can be withdrawn at any time by making a written request to LAD.
- **Agency’s right to refuse inspection of an individual record.** Our agency may deny you the right to inspect or copy your personal information for the following reasons: (1) information is compiled in reasonable anticipation of litigation or comparable proceedings; (2) information about another individual other than the agency staff would be disclosed, (3) information was obtained under a promise of confidentiality other than a promise from this provider and disclosure would reveal the source of the information; or (4) information, the disclosure of which, would be reasonably likely to endanger the life or physical safety of any individual.
- **Harassment.** The agency reserves the right to reject repeated or harassing requests for access or correction. However, if the agency denies your request for access or correction, you will be provided written documentation regarding your request and the reason for denial. A copy of that documentation will also be included in your client record.
- **Grievance.** 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 you have been put at personal risk, or harmed. Our agency has established a formal grievance process for you to use in such a circumstance.

HOW YOUR INFORMATION WILL BE KEPT SECURE

Protecting the safety and privacy of individuals receiving services and the confidentiality of their records is of paramount importance to us. Through training, policies and procedures, and software we have done several things to make sure your information is kept safe and secure:

LAD

- Employees agree to be bound by the Michigan Rules of Professional Conduct applicable to all lawyers and law firms and are required to strictly honor these confidentiality standards

LAD and MSHMIS Systems:

- The computer program we use has the highest degree of security protection available.
- Only trained and authorized individuals will enter or view your personal information.
- Your name and other identifying information will not be contained in reports that are issued to local, state, or national agencies.
- The server/database/software only allows authorized individuals access to the information. Only those who should see certain information will be allowed to see that information.
- The server/database exists behind a firewall – a device meant to keep hackers/crackers/viruses/etc. away from the server.
- The main database will be kept physically secure, meaning only authorized personnel will have access to the server / database.
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MSHMIS System:

- The server/database will communicate using 128-bit encryption – an Internet technology intended to keep information private while it is transported back and forth across the Internet.
- Employees receive training in privacy protection and agree to follow strict confidentiality standards before using the system.
- System Administrators employed by The Michigan Coalition Against Homelessness and Homeless Action Network of Detroit support the daily operation of the database. Administration of the database is governed by agreements that limit the use of personal information to providing administrative support and generating reports using aggregated information. These agreements further insure the confidentiality of your personal information.

WHAT IS INFORMED CONSENT?

Information about you cannot be given to anyone without your giving informed consent. In order to be able to give informed consent:

- You should be told about the benefits, risks, and available alternatives to sharing your information (YOU KNOW).
- You should be able to reasonably understand this information including the potential risks, benefits, options, and consequences (YOU UNDERSTAND).
- You should not be forced or pressured into a decision. The choice you make should be your decision (YOU AGREE).

BENEFITS OF MSHMIS AND AGENCY INFORMATION SHARING

Information you provide us can play an important role in our ability and the ability of other agencies to continue to provide the services that you and others in our community are requesting.

Allowing us to share your real name, even in the absence of other information, results in a more accurate count of individuals and the services they use. The security system is designed to create a code that will protect your identity on the system.

You may choose to agree to share additional information with one or more MSHMIS participating agency in order to:

- Promote coordination of services so your needs are better met.
- Make referrals easier by reducing paperwork.
- Avoid having to repeat as much information to get assistance from other agencies.

RISKS IN SHARING INFORMATION

While the MSHMIS system was designed to promote better services for those who are homeless, there are risks that may lead some individuals to choose to do one or more of the following:

1. Allow only your name, year of birth, and partial social security number (optional) to be shared with all participating agencies. Information about where you are being served is kept confidential or shared with only select agencies.
2. Close all information including identifying information from all sharing. Only this agency may see the information.
3. Use an un-named client ID so that no identifying information exists on the record, even within this agency.

Questions and risks you should consider before deciding whether and what type of information to share include:

- Could there be physical harm or other negative consequences to you or members of your family if someone knew that they could find you from the information shared with other participating MSHMIS agencies?
- Could there be physical harm or other negative consequences to you or members of your family if someone found out you sought help, particularly if you or your children have experienced domestic violence, sexual assault, stalking, or child abuse?
- Are there others who may work or volunteer at other MSHMIS participating agencies who you may not want to have access to your information or to know you are seeking services?
- Are you satisfied by the confidentiality provisions explained about the MSHMIS system?

PRIVACY NOTICE AMENDMENTS: The policies covered under this Privacy Notice may be amended over time and those amendments may affect information obtained by the agency before the date of the change. All amendments to the Privacy Notice will be consistent with the requirements applicable Federal and State Standards.