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*Memorandum*

Date: March 10, 2023

To: Long Beach Continuum of Care (CoC) Board

From: City of Long Beach Homeless Services Bureau (HSB)

**Subject: Request CoC Board to Review and Approve HMIS Security Plan, Privacy Practices, & Privacy Notice**

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**Staff Recommendation:**

Staff recommends that CoC Board authorize and approve HSB updates to three (3) Long Beach Continuum of Care Homeless Management Information System notices: *HMIS Security Plan; Privacy Notice; Notice of Privacy Practices*. Draft notices of each are provided for reference, review, and approval.

**Background:**

The City of Long Beach Health and Human Services' Homeless Services Bureau is the lead agency, Unified Funding Agency, and designated HMIS lead for the Long Beach Continuum of Care. As such, the Long Beach City & CoC are required to operate HMIS on the continuum's behalf, as well as develop, approve, and submit applications to U.S. Department of Housing and Urban Development (HUD) in response to Notices of Funding.

The CoC [Board], further, per 24 CFR § 578.7 parts (a)(5) and (b)(3) maintain the following responsibilities:

In consultation with the collaborative applicant and the HMIS Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with subpart B of this part and with HMIS requirements as prescribed by HUD;

Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS;

**Justification:**

HUD opened its [FY 2023 CoC Program Registration for Collaborative Applicants and United Funding Agencies](#), with a posted deadline of March 2<sup>nd</sup> for completion and submission of the program registration. To complete this Registration requires uploading copies of CoC-approved HMIS Policies and Procedures, including Security and Privacy plans. Whereas the Federal Register requires annual review and revision of HMIS Policies, and whereas the Program Registration requires provision of Security and Privacy Plans, the Homeless Services Bureau prepared and submitted Draft updates to the referenced Policies and Procedures in order to meet the submission deadline. As the submission deadline preceded the scheduled Board meeting, the Homeless Services Bureau seeks approval of the Board for the referenced documents, in order for the drafts to be considered as CoC-approved, as required by the Federal Register and the FY 2023 Program Registration.

## **Highlights:**

Updates to the three (3) notices are as follows:

- *Privacy Practices* - Addition of two (2) new recitals
  - Emergency Data Sharing for Public Health or Disaster Purposes:
    - An agency may, consistent with applicable law and standards of ethical conduct, use or disclose a program participant's information if:
    - the agency, in good faith, believes the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or to the public, *and*
    - the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat
  - Changes to the Notice of Privacy Policy and Practices
    - This notice may need to change from time to time in order to address HUD mandates, new issues and/or in response to evolving technological capacity. The Long Beach HMIS will post such changes so that program participants will always know what information is gathered and how the information is used and disclosed. Any amendments to the Notice of Privacy Practices regarding use or disclosure will be effective with respect to information processed before the amendment, unless otherwise stated.
- *Privacy Notice* – Addition of one (1) new recital
  - This Privacy Notice may be amended at any time and such amendments may affect the information obtained in the HMIS prior to the date of the amendment. Any amendment to the Privacy Notice regarding use or disclosure will be effective with respect to the information processed before the amendment, unless otherwise stated.
- *Security Plan* – language updated to reflect Clarity as the HMIS system for the Long Beach CoC, hosted and managed by contractor Bitfocus, Inc.