



State of Nevada  
 Department of Business & Industry  
**HOUSING DIVISION**



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**PROGRAM NOTICE**

EMERGENCY SOLUTIONS GRANT PROGRAM

Privacy Policy Notice

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THIS IS A POLICY STATEMENT REGARDING STATE OF NEVADA’S PRIVACY POLICY FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM THROUGH THE NEVADA HOUSING DIVISION. THIS PRIVACY POLICY SHALL BE IMPLEMENTED BY THE DIVISION AND ITS SUB-RECIPIENTS

**A. What This Notice Covers**

1. This Notice describes the privacy policy and practices to be implemented by the Division and its sub-recipient service providers of the Emergency Solutions Grant Program. The policy and practices in this Notice cover the processing of personal information for clients participating in the ESG program, including data entered into HMIS, and must be included as part of the sub-recipient’s policies and procedures.
2. Protected Personal Information (PPI) is any information that a sub-recipient maintains about a client that:
  - a. Allows identification of an individual directly or indirectly;
  - b. Can be manipulated by a reasonably foreseeable method to identify a specific individual; or
  - c. Can be linked with other available information to identify a specific client. When this notice refers to “personal information” it means PPI.
3. The State and all sub-recipients shall adopt this policy in accordance with the HMIS Data and Technical Standards issued by the U.S. Department of Housing and Urban Development, the HMIS Steering Committee, and Bitfocus, Inc. acting as the HMIS Lead Agency for training and HMIS implementation.
4. This notice will identify how the State and sub-recipients will process personal information. All shall follow the policy and practices described in this notice.
5. This Notice shall be amended as policies or practices change. Amendments may affect personal information that is obtained before the effective date of an Amendment. The new notice will be posted at [www.nvhousing.state.nv.us](http://www.nvhousing.state.nv.us) at least 30 days prior to taking effect.

6. The Division will provide a written copy of this privacy notice to any individual or organization that requests one. The Division shall also maintain a copy of this notice on its website located at [www.nvhousing.state.nv.us](http://www.nvhousing.state.nv.us)

**B. How and Why Service Providers Collect Personal Information**

1. The Division and its sub-recipient service providers shall collect personal information only when appropriate to provide services or for another specific purpose of the agency, or when required by law. Providers may collect information for the following purposes:
  - a. To provide or coordinate services to a client;
  - b. To locate other programs that may be able to assist a client;
  - c. For functions related to payment or reimbursement from others for services that are provided;
  - d. To operate the agency and its programs, including legal activities, audits, personnel oversight, contract monitoring, program evaluation, and other management and/or administrative functions;
  - e. To comply with government and funder reporting obligations;
  - f. For research, data analysis, and community reporting purposes; and
  - g. When required by law.
2. The Division and its sub-recipient service providers only use lawful and fair means to collect personal information.
3. The Division and its sub-recipient service providers normally collect personal information with the knowledge or consent of clients. If a client seeks assistance and provides personal information, there shall be the assumption that the client consents to the collection of information as described in this Notice and that data may be entered into HMIS.
4. The State and its sub-recipient service providers may also obtain information about a client from other available sources such as:
  - a. Individuals who accompany the clients, such as a guardian, caretaker, or advocate;
  - b. Other private organizations that provide services to the client;
  - c. County and other government agencies such as state and local mental health providers, Department of Health and Human Services, etc.; and
  - d. Telephone directories and other published sources.
5. A sign shall be posted at each intake desk or other location explaining the reasons a client is asked for personal information. The signage shall be obtained from Bitfocus, Inc. and shall say:

*“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.”*

*Nosotros colectamos información personal directamente de usted por razones que se explican en nuestra declaración de privacidad. Podríamos tener que coleccionar cierta información personal por ley o por las organizaciones que nos dan dinero para operar este programa. Otra información personal que coleccionemos es importante para realizar nuestros programas, para mejorar los servicios para las personas sin hogar y para comprender mejor las necesidades de las personas sin hogar. Solo coleccionamos información que consideramos conveniente.”*

**C. How the Division and Sub-Recipient Service Providers Will Use and Disclose Personal Information**

1. Personal information will be used for activities described in this part of the Notice. As necessary, the Division or its sub-recipient service providers may or may not make any of these uses or disclosures.

It shall be assumed that the client consents to the use or disclosure of personal information for the purposes described here and for other uses and disclosures that is determined to be compatible with these uses or disclosures:

- a. To **provide or coordinate services** for individuals to help them obtain or retain services. Service providers may share client records (with consent) with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information;
- b. For functions related to **payment or reimbursement for services**;
- c. To **carry out administrative functions** such as audits, oversight and management of the HPRP program, including the maintenance and operation of HMIS;
- d. To **create de-identified (anonymous) information** that can be used for research and statistical purposes without indentifying clients;
- e. **When required by law** to the extent that use or disclosure complies with and is limited to the requirements of law;
- f. To **avert a serious threat to health or safety** if:
  - It is believed that use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or 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;
- g. To **report about an individual that is reasonably believed to be a victim of abuse, neglect, or domestic violence to a government authority** (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect, or domestic violence under any of the following circumstances:
  - Where the disclosure **is required** by law and the disclosure complies with and is limited to the requirements of the law;
  - If the individual agrees to the disclosure; **or**
  - To the extent that the disclosure is **expressly authorized** by statute or regulation; **and**
    - i. it is believed the disclosure is necessary to prevent serious harm to the individual or other potential victims; **or**
    - ii. if the individual is unable to agree because of incapacity, then a law enforcement or other public official authorized to receive

the report represents that the agency for which disclosure is sought **is not intended to be used against the individual** and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure; **and**

- When the agency makes a permitted disclosure about a victim of abuse, neglect, or domestic violence, they will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:
  - i. In the exercise of professional judgment it is believed informing the individual would place them at risk of serious harm, **or**
  - ii. The agency would be informing a personal representative (such as a family member or friend), and reasonably believes the personal representative is responsible for the abuse, neglect or other injury, and that informing the personal representative would not be in the best interests of the individual as determined in the exercise of professional judgment.
- h. For **academic research purposes**, release of personal information will only be allowed if research is:
  - Conducted by an institution that has a formal relationship with the Division or its sub-recipient service providers, as long as the research is conducted by either:
    - i. An individual employed by or affiliated with the Division or sub-recipient service provider for use in a research project conducted under a written research agreement approved in writing the Division; **or**
    - ii. An institution for use in a research project conducted under a written research agreement approved in writing by a sub-recipient Executive Director; **and**
  - The formal relationship is contained in a written research agreement that must
    - i. Establish rules and limitations for the processing and security of personal information in the course of the research;
    - ii. Provide for the return or proper disposal of all personal information at the conclusion of the research;
    - iii. Restrict additional use or disclosure of personal information, except where required by law;
    - iv. Require that the recipient of data formally agree to comply with all terms and conditions of the agreement; **and**
    - v. Not be a substitute for approval, if appropriate, of a research project by an Institutional Review Board, Privacy Board, or other applicable human subjects protection institution.
- i. To a law enforcement official **for a law enforcement purpose** (if consistent with applicable law and standards of ethical conduct) under any of the following circumstances:
  - In response to a lawful court order, court-ordered warrant, subpoena, or summons issued by a judicial officer, or a grand jury subpoena; and
  - If the law enforcement official makes a **written request** for personal information that:

- i. Is signed by a supervisory official of the law enforcement agency seeking personal information;
    - ii. States that the information is relevant and material to a legitimate law enforcement investigation;
    - iii. Identifies the personal information sought;
    - iv. Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; **and**
    - v. States that de-identified information could not be used to accomplish the purpose of the disclosure;
  - If it is believed in good faith that the personal information constitutes **evidence of criminal conduct** that occurred on Division or its sub-recipient service provider's premises;
  - In response to an oral request for the purpose of **identifying or locating a suspect, fugitive, material witness, or missing person**, and the personal information disclosed consists only of name, address, date of birth, place of birth, social security number, and distinguishing physical characteristics;
  - If the official is an authorized federal official seeking personal information for the provision of **protective services to the President** or other person authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C 871 and 879 (threats against the President and others); **and** if the information requested is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; **and**
  - j. To comply with **governmental reporting obligations** for homeless management information systems and for oversight of compliance with homeless management information system requirements.
2. Before any use or disclosure of a client's personal information not described in this notice, the Division or its sub-recipient service providers will seek client consent first.

**D. How to Inspect and Correct Personal Information**

1. A client may wish to inspect and have a copy of personal information maintained by the Division or its sub-recipient service providers. The Division and/or its sub-recipient service providers will respond to any such request within a reasonable time frame, usually two to three business days.
2. The Division or its sub-recipient service providers will consider a request from a client for correction of inaccurate or incomplete personal information that is maintained. If agreed that the information is inaccurate or incomplete, the Division or its sub-recipient service providers may delete it or chose to mark it as inaccurate or incomplete and will supplement it with additional information.
3. To inspect, receive a copy of, or ask for correction of personal information, a client may ask and ESG staff member. The appropriate staff member will be located to assist with the

review and/or correction of the file within a reasonable time period, usually two to three business days.

4. The Division or its sub-recipient service providers may deny a request for inspection or copying of personal information if:
  - a. The information was compiled in reasonable anticipation of litigation or comparable proceedings;
  - b. The information is about another individual (other than a health care provider or homeless provider);
  - c. The information was obtained under a promise or confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; **or**
  - d. Disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.
5. If the Division or its sub-recipient service provider denies a request for access or correction, there will be included an explanation of the reason for the denial. The Division or its sub-recipient will also include, as part of the personal information that is maintained, documentation of the request and the reason for denial.
6. The Division or its sub-recipient service provider may reject repeated or harassing requests for access or correction.

**E. Data Quality**

1. The Division and its sub-recipient service providers collect only personal information that is relevant to the purposes stated in this Notice or as required for reporting to funders. To the extent necessary, the Division and its sub-recipient service providers seek to maintain only personal information that is accurate, complete, and timely.
2. The Division or its sub-recipient service providers or the HMIS Lead Agency may dispose of personal information not in current use seven years after the information was created or last changed. As an alternative to disposal, the Division or its sub-recipient service providers, or the HMIS Lead Agency may choose to remove identifiers from the information so that the data can be maintained for analysis purposes.
3. The Division or its sub-recipient service providers, or the HMIS Lead Agency may keep information for a longer period if required to do so by statute, regulation, contract or other requirement.

**F. Complaints and Accountability**

1. The Division and its sub-recipient service providers accept and consider questions or complaints about client privacy and security policies and practices. The client has the right to be heard if he or she believes that confidentiality rights have been violated, if a client has been denied access to personal records, or the client has been put at personal risk, or harmed.

The Division and its sub-recipient service providers have established a formal grievance process for use in such circumstances. To file a complaint or grievance, a client may request

a copy of the process from the Division's website at [www.nvhousing.state.nv.us](http://www.nvhousing.state.nv.us), by calling the Division at 775-687-2040, or by contacting the applicable sub-recipient service provider.

2. For a complaint or grievance against data collected for the HMIS database, clients may obtain a Client Grievance Form at <http://www.miner-hmis.com/client-forms/>. Forms may be submitted to the following:

Bitfocus, Inc. - HMIS Lead Agency  
Via FAX to: (702) 991-1881

Via US Mail to:  
Bitfocus, Inc.  
9101 W. Sahara Ave #105-158  
Las Vegas, NV 89117

3. Staff members of the Division and its sub-recipient service providers, including employees, volunteers, affiliates, contractors and associates, are required to comply with this privacy notice. Each staff member must receive and acknowledge received of a copy of this notice.

**G. Privacy Notice Change History**

Each copy of this Notice will have a history of changes made to the document. This document's change history is as follows

Version 1.0     July 1, 2012

Received and acknowledged by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name/Title

\_\_\_\_\_  
Date