SENATE BILL REPORT
SB 5898

As of February 11, 2015

Title: An act relating to the Washington homeless client management information system.

Brief Description: Modifying Washington homeless client management information system requirements and policies.

Sponsors: Senator Miloscia.

Brief History:
    Committee Activity: Human Services, Mental Health & Housing: 2/12/15.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Alison Mendiola (786-7444)

Background: The Homeless Housing and Assistance Act of 2005 required the Department of Commerce (Commerce) to develop a management information system for the homeless population. Engrossed Second Substitute House Bill 2418 of 2006 added additional specifications, including the following:
- requiring Commerce to implement the Washington Homeless Client Management Information System (HMIS) by December 31, 2009, and to update it at least annually;
- specifying that the HMIS must include information from the Washington homeless census, state agencies, and organizations providing services to the homeless population;
- allowing data to be collected only after having obtained informed, reasonably time-limited written consent from the homeless individual;
- requiring information to be collected in a manner consistent with federal informed consent guidelines regarding human research; and
- directing that the HMIS serve as an online information and referral system.

The HMIS is an electronic record system that enables information-gathering about, and continuous case management of, homeless persons across agencies. Homeless service providers collect information about their clients and input it into the HMIS, so that it can be matched with information from other providers in the state to get accurate counts of homeless clients and the services they need. The statewide HMIS is designed to meet United States Department of Housing and Urban Development, Health Insurance Portability and Accountability Act, and state requirements, as well as local provider needs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Individually identifiable client data is only accessible to individuals authorized by Commerce to access the database. Each client must sign a form consenting or denying the collection of the client's personally identifying information for the HMIS.

Client information can be collected in person or over the phone. If client information is collected over the telephone, written consent must be obtained at the first time the individual is physically present at an organization with access to the HMIS.

Summary of Bill: The Legislature finds that individuals who have experienced domestic violence and homelessness need to be informed about the privacy and extent of disclosure of their personal information to enable them to make informed decisions about their safety, privacy, and confidentiality.

Personally identifying information about a homeless individual for the HMIS can only be collected after the individual has been provided with the following information, or in the case of telephonic acknowledgement, the individual is providing the following information the first time the individual is present at an organization with access to HMIS: an explanation of the nature of the personally identifying information and to whom the information will be disclosed; an explanation that the individual has a right to request the individual's information not be shared; an explanation that the individual can request that the information be removed; and an explanation that the individual will not be denied or receive lesser services for failing to provide any of the requested information. The individual mustreceive written notice of all confidentiality and privacy policies, in a language that the individual understands.

A person age 13 or older may give consent for the collection of this information.

Personally identifying information or personal information means individually identifying information about an individual, including the following: first and last name, home or other physical address, contact information, a social security number, or any other information including date of birth, racial or ethnic background, or religious affiliation, that in combination with any other nonpersonally identifying information, would serve to identify any individual or likely disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking.

Commerce must provide technical assistance to a local government's designated subcontractor at the local level to provide assistance and to implement confidentiality and privacy policies and protocols relating to personal information collected and maintained about homeless individuals and families.

Commerce must develop protocols for data collection and management in consultation with, but not limited to, a statewide membership organization comprised of homeless housing organizations, a statewide membership organization comprised of a majority of community-based victim service organizations, and other privacy and confidentiality experts.

In merging HMIS with other data gathering and reporting systems, all relevant agencies must adopt safeguards to protect information from redisclosure and adopt policies and procedures to remove or destroy information that would enable the homeless persons to be identified.

Aside from HMIS, local governments may develop or utilize a comparable referral system in collaboration with victim service providers to provide housing and support services for homeless individuals who experienced domestic violence, dating violence, sexual assault, or stalking.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.