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RE: **New Data Privacy Legislation for Organizations
Serving
Victims of Domestic Violence**

DATE: March 6, 2006

This letter comes in relation to your agency's participation in Minnesota's HMIS. As you may know, Congress recently passed some laws relevant to HMIS and agencies that are either VAWA or FVPSA funded, or are McKinney-Vento funded and meet the definition of being "victim service providers." We have identified your organization as potentially falling into that group.

Note that the legislation does **not** apply to programs that occasionally serve domestic violence victims, only those whose primary mission is to serve victims. We have enclosed a summary of the relevant legislation from the National Network to End Domestic Violence for your further clarification.

We are awaiting further guidance from the US Department of Housing and Urban Development (HUD), but that guidance is not likely to be issued for several months. Therefore we have come up with our own response, attached below, for your consideration. However, **please be aware that compliance with data privacy laws is ultimately your agency's obligation.** We will not be running any systematic checks to ensure that your agency is complying with these new laws or any other data privacy regulations.

We have consulted several entities in the process of developing this letter, and feel that we have arrived at a consensus. Those we have consulted include: Minnesota's HMIS Governing Group and its data privacy subcommittee, the Minnesota Coalition for Battered Women, and Minnesota's Office of Justice Programs. Also note that personnel from the state agencies that require their grantees to participate in HMIS (MHFA and DHS) were included in these discussions and have indicated a desire to comply with the federal VAWA legislation.

Thanks again for your participation in Minnesota's HMIS. Data privacy is extremely important to us and we appreciate your attention to this matter.

Sincerely,

Craig Helmstetter
Project Director, Minnesota's HMIS

Suggested data entry procedures for programs impacted by recent VAWA legislation

March 2, 2006:

The laws appear to prohibit impacted programs from entering any information in Minnesota's HMIS that could possibly be used to identify a particular client. **Therefore we are strongly suggesting that, pending further notice, your agency should enter any new clients using the "enter as anonymous" feature.** Additionally, we suggest that you leave blank (NOT enter) the following information for any clients in the household:

Date of Birth*

Social Security Number

Primary or Secondary Race

Ethnicity

Alias

Zip code of last permanent address

State of last permanent address – *leave blank if other than Minnesota*

County of last permanent address – *leave blank if other than Hennepin or Ramsey*

Client's Residence sub-assessment - *required for programs funded under the state's initiative to End Long-Term Homelessness*

Any case notes or other information that you feel may reveal the client's unique circumstances

* Note that leaving fields blank – especially Date of Birth - will result in "errors" in some of your reports in HMIS. One alternative might be to record one standard birthday for all children and another for all adults (e.g., 2/29/2000 and 2/29/1976).

We suggest that you follow this procedure for both the head of household as well as any other members of the household, including children. When working with anonymous clients in ServicePoint, we recommend that you keep the client's ServicePoint ID # with your paper files, so that you can later look up that client's record (e.g., for recording additional service transactions, or in case the client returns).

To review data privacy procedures, feel free to contact us at hmis@wilder.org, 651-647-4600, or 1-800-328-2972.