

Kitsap HMIS Collaborative Agency Memorandum of Agreement for Interagency Data Sharing

The Washington State Homeless Management Information System (HMIS) is designed to facilitate timely, efficient and effective information about services supporting persons and families who are homeless in Washington State, and to help measure results and outcomes of those services.

An agency in Washington that uses HMIS for this purpose is referred to in this document as “HMIS User Agency” or, as the context requires, as “agency”.

_____ (The undersigned agency) has decided to use Washington State HMIS and to participate in the Kitsap HMIS Collaborative. This allows programs in the agency the ability to share information electronically with other HMIS User Agencies about clients who have been entered into the system.

The Kitsap HMIS Collaborative recognizes the priority of client needs. These needs include both continually improving the quality of homeless and housing services with the goal of eliminating homelessness in Kitsap County, and vigilantly maintaining client confidentiality, treating the personal data of our most vulnerable populations with respect and care.

As the guardians entrusted with this personal data, the undersigned HMIS-user agencies have a moral and a legal obligation to ensure that the data they collect is being collected, accessed, and used appropriately. It is also the responsibility of each user-agency to ensure that client data is only used to the ends to/for which it was collected, the ends that have been made explicit to clients and are consistent with the mission of the Kitsap HMIS Collaborative:

- *To use HMIS to advance the provision of quality services for homeless individuals,*
- *To improve data collection, and*
- *To promote more responsive policies to end homelessness in Kitsap County.*

To better achieve these goals, the undersigned agency agrees to share HMIS information with other agencies who are participating in the Kitsap HMIS Collaborative, through the Washington State HMIS system, managed by the Department of Commerce. Proper user training, adherence to the Kitsap HMIS Collaborative policies and procedures, and a clear understanding of client confidentiality and HMIS user responsibility are vital to achieving these goals.

Client level information can only be shared between HMIS User Agencies that have established an **Interagency Data Sharing Agreement** and have received written consent from clients agreeing to share their personal information. The HMIS User Agency receiving the written consent has the ability to “share” that client’s information electronically through the HMIS system with a collaborating HMIS User Agency program. This process can benefit clients by eliminating duplicate intakes. Demographic information, services provided and intake and exit interviews can be shared, between the collaborating agencies.

In addition to the provisions outlined in the Department of Commerce Agency Partner Agreement (signed by each Agency) and the User Policy and Code of Ethics (signed by each HMIS User), each signing organization agrees that within the confines of the Washington State HMIS:

1. HMIS information in either paper or electronic form will never be shared outside of the originating agency without client written consent except as required by law.
2. Information that is shared with written consent will not be used to harm or deny any services to a client.
3. It will not intentionally over-write data in the HMIS with information known to be inaccurate.
4. Any violation by an HMIS User Agency employee of the above requirements shall result in immediate disciplinary action from the agency as defined in the agency's personnel policies.
5. It will abide by federal and state laws relating to the collection and use of HMIS data.
6. It will require all users of the HMIS system to sign a user agreement and abide by requirements described in User Policy and Code of Ethics prior to receiving HMIS access.
7. Information will be deleted from the system upon client request at each agency. The agency receiving the request will immediately notify other agencies that have entered data about that client.
8. Clients have the right to request information about who has viewed or updated their HMIS record.
9. HMIS Users will maintain Kitsap HMIS data in such a way as to protect against revealing the identity of clients to unauthorized agencies, individuals or entities.
10. Misrepresentation of the client data by entering known, inaccurate information is prohibited. Any information that is not directly provided by the client must be marked "information not collected."
11. Discriminatory comments based on race, color, religion, national origin, ancestry, handicap, age, sex and sexual orientation are not permitted in the Kitsap HMIS.
12. Any HMIS User found to be in violation of the Kitsap HMIS Collaborative Memorandum of Agreement, or the points of client confidentiality in the Department of Commerce User Agreement, will be immediately suspended from access to the Kitsap HMIS Collaborative.
13. Client Informed Consent forms for the Kitsap HMIS Collaborative will be provided by the Kitsap County Department of Human Services, Housing and Homelessness Program. Agencies may add additional language to the form, but must include the language therein at a minimum.
14. Kitsap HMIS Users may not share client data with individuals or agencies that have not signed the Kitsap HMIS Collaborative Agency Memorandum of Agreement and obtained written permission from that client in the form of an approved Client Informed Consent Form.
15. Additional eligible agencies may join the Kitsap HMIS Collaborative at any time and will have access to Kitsap HMIS information upon signing this Agreement.
16. Clients must be informed that additional agencies may join the Kitsap HMIS Collaborative at any time and will have access to their client information. Upon request, the client is entitled to a copy of a list of current Kitsap HMIS Collaborative agencies before signing the consent, and the agency must allow the client to view the updated list of agencies during normal weekday business hours so long as the consent remains in effect.

This interagency sharing agreement is established so that the agencies' programs will have the ability to share client level information electronically through the Washington State HMIS. This agreement does not pertain to client level information that has not been entered into the HMIS. This electronic sharing capability only provides the programs with a tool to share client level information. This tool will only be used when all parties to this agreement have signed Agency Partner Agreements with the Department of Commerce and have completed security procedures regarding the protection and sharing of data as may be provided by law.

Limitation of Liability and Indemnification: No party to this Agreement shall assume any additional liability of any kind due to its execution of this agreement. It is the intent of the parties that each party shall remain liable, to the extent provided by law, for its own acts and omissions and the acts and omissions of its employees, volunteers, agents or contractors through participation in HMIS and that no party shall assume additional liability on its own behalf or liability for the acts of any other person or entity. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement creates no rights in any third party.

Each party to this memorandum of agreement shall defend, indemnify, and hold all other parties harmless from any and all claims arising out of that party's negligent performance of this agreement. Any loss or liability to third parties resulting from negligent acts, errors, or omissions of a Kitsap HMIS user while acting within the scope of their authority under this Agreement shall be borne by that user exclusively.

Commerce shall not be held liable to any HMIS User Agency for any cessation, delay or interruption of services, or for any malfunction of hardware, software or equipment.

By signing this form the undersigned agency authorizes Commerce to allow data sharing through Washington State HMIS between agencies that are members of the Kitsap HMIS Collaborative.

Agreed to and signed by the following authorized agency representative:

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| Signature of Authorized Signer | Date |
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| Printed Name & Title | Agency/Organization |
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