

the disclosure of information about an individual in an HMIS. Such orders are restricted only to the individual(s) identified in the court order.

Disclosures for national security and intelligence activities. An HMIS user or developer may disclose protected personal information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401, *et seq.*) and implementing authority (e.g., Executive Order 12333).

Disclosures for protective services for the President and others. An HMIS user or developer may disclose protected personal information to authorized federal officials for the provision of protective services to the President or other persons 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.

Uses and Disclosures of De-Identified Protected Personal Information

Information that meets the standard and implementation specifications for de-identification or has been aggregated is considered not to be individually identifiable information and, therefore, is not protected personal information. In order to meet this standard, none of the information listed in this notice as being part of the protected personal information may be included in the de-identified data. The restrictions concerning disclosure in this notice do not apply to information that has been de-identified in accordance with the applicable requirements, provided that there is no disclosure of a code or other means of record identification designed to enable coded or otherwise de-identified information to be re-identified. If de-identified information is re-identified, an HMIS user or developer may use or disclose such protected personal information only as permitted or required by this notice.

Re-Identification

An HMIS user or developer may assign a code or other means of record identification to allow information de-identified under this notice to be re-identified by the HMIS user or developer, provided that: The code or other means of record identification is not derived from or related to information about the individual and is not otherwise capable of being translated so as to identify the individual; and the HMIS user or developer does not use or disclose the

code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.

Consent for Other Uses or Disclosures of Private Information

An HMIS user or developer must obtain the individual's consent prior to using or disclosing protected personal information. A consent form must:

- Be stated in plain language;
- Include full disclosure of all the ways in which otherwise protected personal information might be used;
- State that the terms of its notice may change and describe how the individual may obtain a revised notice;
- State that the HMIS user or developer is not required to agree to additional restrictions that may be requested by the individual;
- Indicate that if the HMIS user or developer agrees to a requested restriction, the restriction is binding on the HMIS user or developer;
- State that the individual has the right to revoke the consent in writing, except to the extent that the HMIS user or developer has taken action in reliance thereon; and,
- Be signed and dated by the individual.

1.1 Notice of Privacy Practices for Protected Personal Information

An individual has a right to adequate notice of the uses and disclosures of protected personal information that may be made by the HMIS user or developer, and of the individual's rights and the HMIS user or developer's legal duties with respect to protected personal information.

The notice should be prominently displayed in the program offices where intake occurs.

The HMIS user or developer must promptly revise and distribute its notice whenever there is a substantive change to the uses or disclosures, the individual's rights, the HMIS user or developer's legal duties, or other privacy practices stated in the notice. Except when required by law, a substantive change to any term of the notice may not be implemented before the effective date of the notice in which a substantive change is reflected.

An HMIS user or developer must maintain documentation of compliance with the notice requirements by retaining copies of the notices issued by the HMIS user or developer.

The individual has the right to obtain a paper copy of the notice from the HMIS user or developer upon request.

An inmate does not have a right to notice, and the requirements of this

notice do not apply to a correctional institution that is an HMIS user.

Content of Notice

The HMIS user or developer must provide a notice that is written in plain language and that contains the elements required by this section. These elements are not exclusive, and either oral or written notice may inform the individual of the uses of information that may help provide service or otherwise benefit the individual.

- The following statement as a header or otherwise must be prominently displayed: "THIS NOTICE DESCRIBES HOW INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."

- A description of each of the purposes for which the HMIS user or developer is permitted or required by this notice to use or disclose protected personal information without the individual's written consent or authorization. These include administrative, programmatic, and academic research purposes.

- If a use or disclosure is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law.

- A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization.

- A statement of the individual's rights with respect to protected personal information and a brief description of how the individual may exercise these rights.

- A statement that the HMIS user or developer is required by law to maintain the privacy of protected personal information and to provide individuals with notice of its legal duties and privacy practices with respect to protected personal information.

- A statement that the HMIS user or developer is required to abide by the terms of the notice currently in effect.

- A statement that reserves the right to change the terms of this notice and to make the new notice provisions effective for all protected personal information that it maintains. The statement must also describe how it will attempt to provide individuals with a revised notice.

- A statement that individuals may complain to the HMIS user or developer if they believe their privacy rights have been violated.