

**Three County CoC – MA 507**  
**Additional Privacy Guidance for Providers**  
**Responding to COVID-19**



**Reminder: What is PII? What is PPI?**

Often used interchangeably to mean the same thing, PPI stands for Protected Personal Information and PII stands for Personally Identifiable Information. Both refer to any information which identifies an individual or can be used to identify an individual. The most common examples are name, Social Security number, driver's license number, email address, date of birth (if combined with other forms of PPI/PII), and telephone number.

**You may be required by law to disclose PPI to some health providers or agencies:**

An organization utilizing the HMIS for data entry may use or disclose PPI when required by federal, state, or local law to the extent that the use or disclosure complies with and is limited to the requirements of the law. A mandatory public health reporting law, whether federal, state, or local, qualifies. A provider may initiate a disclosure to a public health authority if the law requires the provider to report known cases.

**You may find that you need to disclose PPI in order to lessen the threat of danger to an individual's health and safety or public health and safety:**

Disclosures to avert a serious threat to health or safety: Uses and disclosures to avert a serious threat to health or safety. An organization using the HMIS for data collection may, consistent with applicable law and standards of ethical conduct, use or disclose PPI if: (1)the organization, in good faith, believes the 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 (2)the use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.

**How do I know if a disclosure is necessary?**

A disclosure made related to reducing the spread of COVID-19 or necessary for someone's emergency care are both acceptable. It may be necessary to rely on your judgement in some scenarios which haven't been anticipated.

**How do I know if the person I am disclosing PPI to is reasonably able to prevent or lessen the threat to an individual or the public?**

Disclosing to public health authorities, health care providers, other homeless providers, transportation providers, emergency workers, first responders, and third-party quarantine/isolation facilities is generally acceptable under these conditions, but only the information that is required.

**Please also keep in mind, the authority to make disclosures is not unlimited:**

Staff should still take steps when possible to inform participants of disclosures. The authority to make disclosures without participant consent is not unlimited. If a public health authority does not seek or require participant names, then the names should not be disclosed.

If a first responder is called you may need to provide them with personal information necessary for the proper care and treatment of the individual needing care. But you should not give them a list of participants suspected to have COVID-19 or exhibiting symptoms, only the information they need at that time.

**Is your privacy notice up to date?**

From HUD: 'A CHO must state in its privacy notice that the policy may be amended at any time and that amendments may affect information obtained by the CHO before the date of the change. An amendment to the privacy notice regarding use or disclosure will be effective with respect to information processed before the amendment, unless otherwise stated. The authority to change the privacy notice at any time exists even if a privacy notice fails to include the required statement about amendment at any time.'

**What about HIPAA? Would disclosing PPI in the ways mentioned in this document be a HIPAA violation?**

These provisions are very similar to those included in the health privacy rule issues included under HIPAA. If questions arise about definitional matters (e.g., who is a public health authority), it is appropriate to look to the HIPAA health privacy rule to resolve those questions. See 45 C.F.R. Parts 160 and 164.

**Let participants know:**

While you will be covered legally in the event that you need to disclose PPI under these provisions it is still a good idea to inform participants that a disclosure may occur in the event of an emergency, if needed to prevent the spread of COVID-19, or with the passing of a new law.