Department of Homeless Services

PROCEDURE NUMBER 16-150

Subject:	Applicable To:	Effective Date:
CARES User Policy	All DHS Directly Operated or Funded Congregate Facilities/ Programs Serving Homeless Individuals, and DHS Staff	December 18, 2015

Administered By:	Approved By:
Office of Legal Affairs Office of Information Technology	Gilbert Taylor, Commissioner

I. INTRODUCTION

A. Scope:

DHS CARES ("CARES') is an electronic database containing information regarding clients served in or by programs for the homeless or those at risk of becoming homeless which are administered or monitored by the New York City Department of Homeless Services ("DHS"). Its use is strictly limited to authorized individuals for authorized purposed only.

This Policy applies to any individual with access to CARES and any application that is populated with CARES data (eg: CARES Enhanced Reporting and CARES database tables) and all information contained therein.

B, Applicable Law and Policies:

CARES contains confidential information, including confidential information provided by federal and State agencies, and as such, is subject to federal and state confidentiality and information security mandates. CARES is also governed by all applicable Federal, State and Local laws including by not limited to the Federal Privacy Act of 1974, New York Social Services Law and its implementing regulations and the New York City Administrative Code. See 5 U.S.C. §552a, NY SSL §136 et seq., 18 N.Y.C.R.R. §357, and 10 N.Y.C. Administrative Code §501-03.

C. Key Definitions:

1. The term "Client" refers to an individual or family applying for, or receiving services in, DHS programs serving the homeless or those at risk of becoming homeless.
2. The term "Provider" refers to an agent who administers a program or delivers clientservices on behalf of DHS.
3. The Term "Employee" refers to any person employed by DHS, other NYC agencies or provider agencies that are allowed access to the CARES application or data maintained in CARES.
4. The term "Confidential Information" refers to any information in the CARES database regarding a client's application for or receipt of services in a DHS program. This includes information obtained from the client or other sources. It also includes information in the electronic form in the database as well as any printed or other "hard copy" document which contains information from the CARES database.

II. PRIVACY AND CONFIDENTIALTY

1. CARES users may only view or use Confidential Information to perform functions, activities or services directly related to the administration of DHS programs and in accordance with all applicable legal authorities.
2. Access to Confidential Information shall be restricted to employees who need such information to perform their official duties in the administration of DHS programs.
3. CARES users must secure their passwords. Passwords may not be shared, even among other authorized CARES users.
4. CARES users shall not remove Confidential Information, in electronic or hard copy form, from their places of business without express permission from supervisory staff.
5. In the event that CARES users must remove any documents containing CARES information from their place of business, the records shall be maintained in a secure location. Such records and the Confidential Information contained therein remain subject to this Policy.
6. CARES users must sign an Acknowledgement Form indicating that they have read, understood and agreed to fulfill all of the obligations contained in this Policy in order to receive access to CARES and on an annual basis thereafter.
7. CARES users may not disclose Confidential Information unless performing activities directly related to the administration of a case or as permitted by DHS Legal Affairs.
8. CARES users may not disclose any client information via email to non-CARES users except as permitted by DHS Legal Affairs.
9. Requests for case records or other Client files made by clients, representatives, judicial subpoenas or other legal documents must be referred to DHS' Office of Legal Affairs.
10. The unauthorized use or disclosure of Confidential Information is a serious matter and may result in penalties or sanctions, including:
    - the loss of use, or limitations on the use of, CARES and other office and technology resources;

- financial liability for the cost of such use;
- adverse employment actions including dismissal; and
- civil and/or criminal prosecution and penalties.

11. CARES users must ensure compliance with this Policy.
12. DHS owns all Confidential information collected by its employees and Providers.

III. EMPLOYEE REQUIREMENTS

In addition to the guidelines set forth in this Policy, every Provider must:

1. Use all reasonable measures to ensure staff compliance with this Policy;
2. Maintain records to demonstrate compliance with the Policy; and
3. Ensure the installation and utilization of commercial anti-virus software on all sources used to access CARES.

IV. NOTIFICATION OF UNAUTHORIZED USE AND DISCLOSURE OF DATA

In the event of a discovery or a suspicion of unauthorized use or disclosure of Confidential Information, DHS employees and providers must report such incidents by telephone to the NYC Citywide Service Desk at 212.692.4337. Such incidents will be classified as priority one and investigated by DHS OIT and Legal Affairs.

Also, pursuant to the New York State Interact Security Privacy Act, the New York State Office of Temporary and Disability Assistance (OTDA) must be notified immediately of any potential unauthorized access to And/or use of CARES data or the data system.

V. EMPLOYEE DOCUMENTATION OF ALL CASE ACTIVITIES IN CARES

- **Employees must document all case activities and information related to the roles and responsibilities of their work with clients in CARES.**

- **All employees are required to follow the CARES data entry requirements detailed in the DHS CARES training and through on-the-job supervision.**

- **Best practice expectations for families with children and their workers can be found in the Case Management Guidelines for Family Shelters document. Best practice expectations for adults, adult families and their workers will be completed shortly.**

Department of
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CARES CLIENT CONFIDENTIALITY AND THE DATA PROTECTION POLICY ACKNOWLEDGMENT FORM

I, (Print) _____,
acknowledge that I have received, read, and understood DHS Procedure Number **16-150**: CARES Client Confidentiality and Data Protection Policy (the "Policy"). I understand arid agree to comply with the requirements contained in the Policy. I further understand that failure to comply with the Policy may result in disciplinary and other adverse employment actions, up to and including termination of my employment, and civil and criminal penalties.

CARES USER:

Signature: _____

Date: _____

WITNESS:

Signature: _____

Print Name: _____

Date: _____

Unique Identifier: DHS needs to collect an unique identifier for each CARES provider user for identification purposes when calling for a password reset.
When a user calls the help desk to request a password reset, he/she will be asked for his/her verification pin. For all CARES Provider users this pin will be the last four digits of your social security number.

Please enter your PIN here: __/__/__/__/