

Inferred vs. Informed Consent

*Excerpt from the Federal Register: Homeless Management Information Systems (HMIS);
Data and Technical Standards Final Notice 2004*

4.2.1. Collection Limitation

Baseline requirement. A CHO may collect PPI only when appropriate to the purposes for which the information is obtained or when required by law. A CHO must collect PPI by lawful and fair means and, where appropriate, with the knowledge or consent of the individual.

A CHO must post a sign at each intake desk (or comparable location) that explains generally the reasons for collecting this information. Consent of the individual for data collection may be inferred from the circumstances of the collection. Providers may use the following language to meet this standard: "We collect personal information directly from you for reasons that are discussed in our privacy statement. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless persons, and to better understand the needs of homeless persons. We only collect information that we consider to be appropriate."

Additional Privacy Protections. A CHO may, in its privacy notice, commit itself to additional privacy protections consistent with HMIS requirements, including, but not limited to:

- (1) Restricting collection of personal data, other than required HMIS data elements;
- (2) Collecting PPI only with the express knowledge or consent of the individual (unless required by law); and
- (3) Obtaining oral or written consent from the individual for the collection of personal information from the individual or from a third party.

REQUIREMENTS FOR NEW ANNUAL PERFORMANCE REPORT (APR)

The new Annual Performance Report (APR) approved by OMB in March 2010 will be submitted in HUD's electronic grants management system known as e-snaps. The submission of the new APR will be phased in so all grantees will have ample time to transition to the new format and requirements. The transition requirements are designed to introduce all grantees to the new APR format, recognizing that HMIS solution providers will need time to program the new APR report output and that grantees are not yet collecting all of the data required to fully complete the new APR.

APRs will still be due within the same number of days of the end of the operating year: 60 days for HPRP grants and 90 days for HUD McKinney-Vento grants. The content and format of the submittal requirements will vary depending on the type of grant and end date of the operating year for each grant.

HPRP grantees will submit the new APR format in e-snaps by November 30, 2010 for the period ending September 30, 2010.

Continuum of Care (CoC) program (SHP, S+C, SRO) grantees have the following submission requirements:

- Projects with operating year ending on or before June 30, 2010 must submit the HUD-40118 to the applicable Field Office.
- Projects with operating year ending between July 1, 2010 and May 31, 2011 must submit APR in e-snaps reporting only the information that would have been reported on the HUD-40118 and is included in the new APR.
- Projects with operating year ending on or after June 1, 2011 must submit new APR in e-snaps reporting all new data elements.

Additional guidance is available in the Revised APR Requirements and Transition Period Guidance document posted in the What's New section of the HUD Homelessness Resource Exchange (HRE) at www.hudhre.info.

Until June 1, 2010, questions about the new APR should be emailed to APR@abtassoc.com. After June 1st, questions must be submitted to the Virtual Help Desk on the HRE (www.hudhre.info).