

Data Sharing Memorandum of Understanding between  
Community Stakeholders within  
Fayetteville/Northwest Arkansas Continuum of Care

## **I. INTRODUCTION-**

The purpose of this Memorandum of Understanding (“MOU”) is to confirm agreements among all members of the Fayetteville/Northwest Arkansas Continuum of Care (“NWA-CoC”) related to management of data sharing for Coordinated Entry (“CE”) and the creation and maintenance of a By-Name List (“BNL”). This MOU establishes that the NWA-CoC Coordinated Entry Committee, defines general understandings and defines the roles and specific responsibilities of each party related to key aspects of the governance and operation of managing Coordinated Entry and managing the Chronic Master List. This MOU also establishes that the NWA-CoC Veterans Working Group defines general roles and responsibilities of each party related to aspects of governance and operations of managing the Veterans Master List while participating in Coordinated Entry. Lastly, this MOU establishes that the NWA-CoC Strategic Planning Committee continues to provide guidance and drive community planning strategy to reach functional zero. In result, this agreement will allow tactical efforts to end both chronic and veteran homelessness in Northwest Arkansas.

HMIS is the information system designated by the CoC to comply with the requirements of the CoC regulation 24 CFR 578. The HMIS is used to record, analyze, and transmit client and activity data in regard to the provision of shelter, housing, and services to individuals and families who are experiencing homeless or at risk of experiencing homelessness.

HMIS is mandated by the U.S. Department of Housing and Urban Development (“HUD”) for all communities and agencies receiving HUD Continuum of Care (“CoC”) and Emergency Solutions Grant program (“ESG”) funding.

Victim service providers that are funded under HUD’s Supportive Housing Program are instructed not to disclose personally identifying data about any client for purposes of HMIS, per the requirements of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) (VAWA).

HPRP subgrantees that are victim service providers must collect and record all of the data elements that are required for HPRP subgrantees on all clients served with HPRP funds in a comparable database, and should not directly or indirectly enter personally identifiable information about HPRP beneficiaries in an HMIS. HUD does not expect victim service providers funded through other sources to disclose personally identifying information for the purposes of HMIS, therefore HMIS coverage will be calculated excluding victim service providers from the universe of homeless assistance programs.

Regardless of funding sources, Program Descriptor data for each homeless assistance program within the CoC operated by a victim service provider must be recorded in the HMIS (either by provider staff member or by the HMIS system administrator), with the exception of a street address for a facility that provides victim services to clients.

HMIS is essential to coordinate client services and inform community planning and public policy. Through HMIS, individuals experiencing homelessness benefit from improved coordination in and between agencies, informed advocacy efforts, and policies that result in targeted services. Analysis of information gathered through HMIS is critical to the preparation of a periodic accounting of homelessness in Northwest Arkansas, including required HUD reporting.

The parties to this MOU recognize that thorough and accurate capture and analysis of data about homeless services and individuals is necessary to service and systems planning, effective resource allocation, and advocacy, and thus, share a mutual interest in successfully implementing and operating data sharing in Northwest Arkansas.

At time of this MOU compilation, there are several local barriers leading to the inability to data share utilizing HMIS. The Strategic Planning Committee within the NWA-CoC is working with the federal HUD program office to overcome said barriers in order to utilize HMIS as the data sharing platform within the NWA-CoC. Until these issues have been resolved, this agreement allows for parties to utilize a shared document for data sharing that adheres to the same confidentiality clauses and best practices that HMIS would allow. In the result that HMIS cannot be the data sharing platform, the Strategic Planning Committee is also currently reviewing other platforms that would accomplish functional zero while maintaining compliance with all HUD, VA, and ESG guidelines.

The By-Name List will temporarily be implemented through a shared Google document until NWA-CoC is able to utilize HMIS or another database for data sharing. This Google document is an electronic shared sheet for human services agencies in Northwest Arkansas for tracking client information and outcomes. This MOU applies only to said document.

## **II. DURATION**

The duration of this MOU shall be from May 3, 2017 through August 31, 2017. This temporary MOU will be updated upon the end of the Community Solutions action cycle, whereas the Strategic Planning Committee anticipates significant progress in the community towards data sharing goals and access to shared databases.

While it is anticipated that this MOU will be renewed annually for periods of one year thereafter, the parties will revise and affirmatively agree to the terms of this relationship annually after this action cycle. This review is intended to ensure the continued relevance of the terms to the parties and to ensure continued consistency and compliance with HUD, VA, and ESG regulation.

### **III. GOVERNANCE AND PARTICIPATION**

#### **A. NWA-CoC Governance**

The NWA-CoC Board of Directors is responsible for system oversight and review and approval of all decisions in regards to community planning. These plans of action are determined by the Strategic Planning Committee and operationalized by the Veterans Working Group and Coordinated Entry Committee.

#### **B. NWA-CoC Strategic Planning Committee**

The Strategic Planning Committee of the NWA-CoC is the lead planning group for HUD- and VA-funded efforts to end homelessness and for implementing and operating a homeless assistance system in Northwest Arkansas. As such and per HUD and VA policy, the NWA-CoC Strategic Planning Committee is responsible for creating a comprehensive strategic plan for system oversight and implementation, which encompasses planning, administration, software selection, managing the shared database in compliance with HUD HMIS Regulations, and reviewing and approving of all policies, procedures, and data management plans governing Contributing Data Organizations (“CDO”). The NWA-CoC’s oversight and governance responsibilities are carried out by its membership, based on recommendations by the Strategic Planning Committee.

#### **C. NWA-CoC Coordinated Entry Committee**

The purpose of the Coordinated Entry Committee is to provide support and recommendations to the NWA-CoC related to the process of coordinated entry and the data regulations and standards as set forth by HUD. They are also tasked with implementing the coordinated entry process in its entirety from creating policies and procedures, completing service provider training, sampling pilot groups, and measuring effectiveness. Lastly, they also maintain the BNL for those experiencing Chronic Homelessness.

#### **D. NWA-CoC Veterans Working Group**

The purpose of the Veterans Working Group is to provide support and recommendations to the NWA-CoC related to the process of coordinated entry and the data regulations and standards as set forth by the VA. They also maintain the Veteran BNL, create a plan of outreach to homeless veterans, and determine policies and procedures for Veteran BNL.

#### **E. Contributing CoC Project**

A Contributing CoC Project contributes Protected Identifying Information (PII) or other client-level data to an HMIS.

#### **F. Contributing Data Organizations (“CDO”)**

A CDO is an organization that operates a project that contributes data to the BNL.

#### **G. CDO Data Administrator**

A CDO Data Administrator is defined as a single point-of-contact established by each CDO who is responsible for day-to-day operation of the CDO data entry, ensuring program-level data quality

according to the terms of the Data Partner Agency Agreement and the Northwest Arkansas Data Quality Implementation Guide.

H. User

A User is defined as an employee, volunteer, affiliate, associate, and any other individual who uses or enters data for the BNL or another administrative database from which data are periodically provided for the BNL.

I. Software and Hosting

Until local issues with HMIS have been resolved, NWA-CoC is temporarily using Google Documents to track both the Chronic and Veteran Master Lists.

## **IV. GENERAL UNDERSTANDINGS**

A. Compliance with Data Sharing Standards

It is the responsibility of the NWA-CoC to ensure that the Coordinated Entry Committee and Veterans Working Group are operating the shared Google document in compliance with current HUD Regulations, VA standards, and other applicable laws. The parties agree to update this MOU (as provided in Section VII, Amendment/Notices), other Data Sharing operational documents, and Data Policies and Procedures in order to comply with any updates to these standards established in notices or other guidance, within the HUD- specified timeframe for such changes.

B. Local Operational Policies and Agreements

The NWA-CoC Board of Directors charges the NWA-CoC Coordinated Entry Committee and Veterans Working Group with developing and maintaining agreements, policies, and procedures for review and approval by the NWA-CoC Board of Directors. These agreements, policies and procedures include, but are not limited to, an operating policies and procedures manual for use and management of the Shared Document (including procedures for ensuring the security of data, disaster recovery, and data quality assurance), privacy policies and notices, data collection and technical standards for CDOs, Partner Agency Agreements, and User Agreements.

Once reviewed and approved, changes to the policies and procedures may be made at the request of either party to comply with HUD HMIS standards or otherwise improve data sharing, BNL, or CE operations. During any such modification periods, all existing data policies and procedures will remain in effect until such time as the NWA-CoC Board of Directors approves the changes.

C. Internal Data Sharing Policy

Background

The BNL through CE is intended to facilitate, structure, and protect data sharing among homeless service providers for the purpose of coordinated service delivery. The NWA-CoC operates in an “open with exception” manner to insure that necessary and appropriate referrals and coordinated case planning takes place. All records are open for sharing unless otherwise closed by the entering agency to ensure that the designed purpose and need for sharing of client information is met. Participant

agencies shall have the option of closing records so that information is not shared between agencies if there is a compelling reason to do so and if approved by the NWA-CoC Coordinated Entry Committee or Veterans Working Group. Confidential information shall be defined as any and all information relating to past or present clients, any information required by law to be kept confidential, computer codes, passwords and access information for the BNL, and any information designated as confidential by the disclosing party. Only that client specific data stored by the system administrator which has been expressly approved for release by the client, as noted in the electronic case record, shall be accessible to other participant agencies, or available for inclusion in reports. Client authorization to release information shall also be established through the use of a written, signed release of information form, to be completed at the point-of-entry participant agency site and retained on file there with a copy faxed to referral site.

#### Policy

Upon special request by the agency, the NWA-CoC Coordinated Entry Committee will authorize an agency to default its clients' HMIS records to "closed status," so that data is not shared, when the sharing of data may place at risk the personal safety and/or the privacy of domestic violence, HIV/AIDs or medical center clientele. This policy will remain in effect unless otherwise requested by the agency.

#### Procedures

The following procedure outlines the process to request approval from the NWA-CoC Coordinated Entry Committee to close client records:

1. A formal request for record of closure and rationale for those experiencing chronic homelessness must be sent to:  
Cari Bugolski, Chair  
NWA-CoC Coordinated Entry Committee  
HARK, Center for Collaborative Care  
800 Founders Park Dr E,  
Springdale, AR 72762

A formal request for record of closure and rationale for those experiencing chronic homelessness must be sent to:  
Katherine Krueger, Chair  
NWA-CoC Veterans Working Group  
7hills Homeless Center, SSVF  
1031 N. College Avenue,  
Fayetteville, AR 72701

2. The NWA-CoC Coordinated Entry Committee or Veterans Working Group will review the request and make a decision regarding the request to close client records at its next scheduled meeting.

3. The NWA-CoC Coordinated Entry Committee or Veterans Working Group will communicate its decision in writing to the requesting agency within a week of its meeting.

## **V. SPECIFIC RESPONSIBILITIES OF THE PARTIES**

### **A. NWA-CoC Responsibilities**

The NWA-CoC Board of Directors serves as the lead data governance body, providing oversight, project direction, policy setting, and guidance for the Master List. The NWA-CoC exercises all its responsibilities for data governance through its membership, with guidance from the Coordinated Entry Committee and Veterans Working Group, effective as of the date of the authorization of this MOU.

These responsibilities include:

- a. Ensuring and monitoring compliance with relevant HUD regulations and standards;
- b. Recording in official meeting minutes all approvals, resolutions, and other key decisions of the NWA-CoC that may be required by HUD rules related to the governing body;
- c. Designating the Coordinated Entry Committee and Veterans Working Group and the software to be used for data collection, and approving any changes to the lists;
- d. Reviewing and approving all data sharing documents, operational agreements, policies, and procedures;
- e. Reviewing data quality standards and plans, and establishing protocols for addressing CDOs' compliance with those standards;
- f. Promoting the effective use of data, including measuring the extent and nature of homelessness, the utilization of services and homeless programs over time, and the effectiveness of homeless programs;
- g. Using data to inform NWA-CoC program and system design, and measuring progress toward implementation of the NWA-CoC Strategic Plan and other NWA-CoC-established goals ;
- h. Provide all local information as necessary for compilation of the annual Housing Inventory Count (HIC), the HMIS elements of the annual Point-in-Time (PIT) Count, and Annual Homeless Assessment Report (AHAR).
- i. Coordinating participation in the data sharing system (and broader Continuum of Care) by all homeless prevention and assistance programs and other mainstream programs serving people experiencing homelessness or working to prevent homelessness.

### **B. NWA-CoC Committee Responsibilities**

Coordinated Entry Committee and Veterans Working Group manages and administers all data operations and activities. These groups exercise these responsibilities at the direction of the NWA-CoC. These responsibilities are contingent on continued receipt of the appropriate HUD and VA grant funding, and are as follows:

- a. Governance and Reporting
  - i. Provide staffing for operation of the Master List;

- ii. Ensure the consistent contribution of data that meets all HUD-established technical data standards
- iii. Work with the NWA-CoC to facilitate participation by all homeless prevention and assistance programs and other mainstream programs serving people experiencing homelessness to participate in the data sharing system;
- iv. Attend NWA-CoC meetings;
- v. Determine length of time that records must be maintained for inspection and monitoring purposes per HUD standards and ensure compliance with these standards;
- vi. Respond to NWA-CoC and Strategic Planning Committee directives; and
- vii. Provide data needed to inform NWA-CoC's progress toward achieving its Strategic Plan goals.

b. Planning and Policy Development

- i. Manage and maintain mechanisms for soliciting, collecting and analyzing feedback from Users, CDO HMIS agency administrators, CoC project managers, CDO executive directors, and persons experiencing homelessness, under the guidance of Strategic Planning Committee;
- ii. Identify general milestones for project management, including training and expanding system functionality, and ensure that the HMIS Action plan is carried out and regularly reviewed;
- iii. Develop and, upon adoption by the NWA-CoC, implement written policies and procedures for the operation of the BNL, including requirements and standards for any Contributing CoC Project, and provide for the regular update of these procedures as required by changes to policy;
- iv. Develop and, upon adoption by the NWA-CoC, implement a data quality, security and privacy plan consistent with requirements established by HUD and the VA, and review and update this plan annually and upon update to HUD regulations, notice, or guidance;
  - 1. Develop and, upon adoption by the NWA-CoC, implement a security plan consistent with requirements established by HUD and the VA, and review and update this plan annually and upon update to HUD and VA regulations or guidance;
  - 2. Develop and, upon adoption by the NWA-CoC, implement a disaster recovery plan consistent with requirements established by HUD and the VA, and review and update this plan annually according to the most current HUD and VA regulations or guidance;
  - 3. Develop and, upon adoption by the NWA-CoC, implement a privacy policy specifying data collection limitations; purpose and use limitations; allowable uses and disclosures; openness description; access and correction standards; accountability standards; and process and protections for victims of domestic violence, dating violence, sexual assault, and stalking included in the database;
  - 4. Develop and, upon approval by the NWA-CoC, execute Data Partner Agency Agreements with each CDO, including:
    - a. Obligations and authority of the HMIS Lead and the CDO;

- b. Protocols for participation in data sharing;
- c. Requirements of the policies and procedures by which the CDO must abide;
- d. Sanctions for violating the Data Partner Agency Agreement; and
- e. Terms of sharing and processing Protected Identifying Information between the Veterans Working Group Chair or the Coordinated Entry Committee Chair and the CDO.

c. System Administration

- i. Oversee the day-to-day administration of the CE system;
- ii. Manage contracts for CE, which includes training for CDOs;
- iii. Ensure BNL software meets the minimum data and technical functionality requirements established by HUD and the VA in rule or notice, including un-duplication, data collection, maintenance of historical data, reporting (including HUD-required reports and data quality and audit reports), and any other requirements established by HUD or VA;
- iv. Ensure data processing capabilities, including the collection, maintenance, use, disclosure, transmission, and destruction of data and the maintenance of privacy, security, and confidentiality protections;
- v. Oversee and relate small- and large-scale changes to the CE and BNL database through coordination with HMIS, the Coordinated Entry Committee, the Veterans Working Group, and CDO HMIS agency administrators, if applicable;
- vi. Facilitate, at least annually, a CDO “user group” to discuss implementation of policies and procedures and data entry procedures;
- vii. Update contact list of BNL agency administrators and users for all CDOs in conjunction with annual Partner Agency Agreement updates.

d. End-User Administration

- i. Provide or coordinate technical assistance and support;
- ii. Document technical issues experienced by providers;
- iii. Develop and deliver a comprehensive training curriculum and protocol, including accompanying tools and resources, that:
  - Includes, but is not limited to, data entry requirements and techniques, client confidentiality and privacy requirements, data security, data quality, and data entry;
  - Requires all CDO System Administrators to participate in trainings; it is the responsibility of the CDO System Administrator to ensure Users at the CDO receive training.
  - Is conducted in a manner that assures every new User completes training prior to collecting any CE data or using the BNL; and
  - Assures every current User completes a training update at least annually

e. Data Quality and Compliance Monitoring



- i. Consistent with the data quality plan, establish data quality benchmarks for Contributing CoC Projects, including bed coverage rates, service-volume coverage rates, missing/unknown value rates, timeliness criteria, and consistency criteria;
- ii. Consistent with the data quality plan, run and disseminate data quality reports on a quarterly basis to Contributing CoC Projects indicating levels of data entry completion, consistency with program model, and timeliness;
- iii. Consistent with the data quality plan, provide quarterly reports on HMIS participation rates, data quality and other analyses to the NWA-CoC and Data Committee; and
- iv. Monitor compliance by all CDOs with data participation requirements, policies and procedures, privacy standards, security requirements, and data quality standards through an annual review per the process outlined in the Partner Agency Agreement and approved by the NWA-CoC.

## **VI. DATA ACCESS AND MANAGEMENT**

NWA-CoC authorized member of the Coordinated Entry Committee or Veterans Working Group shall manage the data that is maintained in the shared Google document for their respective lists and will have access to all data entered by CDOs. Designated staff will only use the data for purposes having to do with the NWA-CoC Coordinated Entry. The NWA-CoC and Committees will have access to aggregated and/or otherwise de-identified data that have met quality assurance standards as stipulated by NWA-CoC staff. Any reports aggregated by authorized members must have prior approval from the NWA-CoC Board of Directors before being shared with any community, state, or federal entities.

## **VII. AMENDMENT/NOTICES**

This MOU may be amended in writing by any contributing party and reviewed by the NWA-CoC Strategic Planning Committee. Notices shall be mailed or delivered to:

Katherine Krueger  
Chair, Veterans Working Group and Member, Strategic Planning Committee,  
Fayetteville/Northwest Arkansas Continuum of Care  
1031 N. College Avenue, Fayetteville, AR 72701

## **VIII. COMMENCEMENT**

This MOU will commence upon the signature of the affected parties.

## **IX. TERMINATION**

Either party may terminate this MOU at a date prior to the renewal date specified in this MOU by giving thirty (30) days written notice to the other parties. The termination shall be effective on the date specified in the notice of termination.