

Securing data to protect privacy and people

Steve Berg

National Alliance to End Homelessness

@sberg0

LOUISIANA SERVICES NETWORK DATA CONSORTIUM v. WAGUESPACK

- Legislative auditor issue subpoena for HMIS data
- Service providers sued
- Court stopped the subpoena, legislative auditor apparently backed off

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- Argument that the personal information is protected by federal privacy laws
- Federal Privacy Council, Fair Information Practices (“FIPs”), “a consistent set of core principles” that are “critical to how the government approaches information management, especially information about people,” and guide the conceptualizations of privacy as embedded in federal law.

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Federal laws protecting privacy

- Privacy Act
- Health Insurance Portability and Accountability Act (HIPAA)
- Violence Against Women Act
- Runaway and Homeless Youth Act
- Housing Opportunities for Persons with AIDS rules
- (CoC rules are in regulation, not statute)

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- These laws protect against a wide range of harms: physical, economic, reputational, psychological, autonomy, discrimination, and relationship harms.
- This broad policy underlies HUD regulations protecting privacy of HMIS data

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Would directly contravene these federal policy objectives in multiple ways:

- It would discourage participation in federal programs designed to address homelessness, potentially leaving vulnerable individuals without access to critical services;
- It would undermine the trust necessary for effective service delivery, making it harder for providers to collect accurate information and provide appropriate assistance;
- It would compromise the accuracy and completeness of data needed for program evaluation, potentially affecting future funding and policy decisions

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Would directly contravene these federal policy objectives in multiple ways (cont.):

- It would put vulnerable individuals at risk of concrete harm, including potential discrimination, stigmatization, and safety threats;
- All of the above would likely contribute to a growth of unsheltered homelessness, which is dangerous for the people experiencing it, and creates collateral consequences disfavored by housed residents of communities.

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Result: preliminary relief, appellate courts and legislative auditor has taken no further action for now

All in the context of extensive work with legislature and executive

Discussion

Are these interests persuasive?

Are there others that are also persuasive?

Is litigation on these intrusions practical?

Are people seeing similar intrusions?

Questions?