

ATTACHMENT C

PRIVATE RIGHTS POLICY LYNN HOUSING AUTHORITY

I. Introduction

The Fair Information Practices Act, Massachusetts General Laws, Chapter 66A, was enacted by the State Legislature in 1975 to protect the privacy of individuals about whom government agencies possess information. The Act makes confidential any information held by the Lynn Housing Authority about its applicants, tenants, residents and employees. The Act, and the regulations adopted under it, are designed to assure that each individual has access to information about himself, that the information is complete and accurate, and that access to personal information is restricted to the individual, his authorized representatives and employees in the course of their duties.

II. Definitions

Audit Trail. Audit Trail shall mean a recording by a holder of all persons who obtain access to the personal records of a data subject.

Collects. Collects shall mean gathers, obtains or receives.

Data Subject. Data subject shall mean any person concerning whom personal data is held for any purpose, whether or not he has knowledge of such holding.

Disseminates. Disseminates shall mean transfers for any purpose from the Lynn Housing Authority to any other agency, person or entity.

Holder. Holder shall mean the Lynn Housing Authority and any other person or entity who or which enters into a contract or other agreement with the Lynn Housing Authority to hold personal data.

Holds. Holds shall mean collects, maintains or disseminates, whether manually, mechanically or electronically.

Maintains. Maintains shall mean stores, updates or corrects.

Personal Data. Personal data shall mean any data regarding an individual including personal identifiers, and including, but not necessarily limited to that which related to the examination, care, custody, treatment, support or rehabilitation of the individual, medical psychological, psychiatric, social, financial and vocational data, and which is normally contained in case files, personnel files or similar files. The term "personal data" shall be applied to data maintained in either manual or computerized form or any combination thereof, including "public records" as defined in M.G.L. c.4, s.7 as amended by St. 1973, c.1050.

Personal Data System. Personal Data System shall mean a collection of records:

1. most of which contain personal data; or
2. a substantial number of which contain personal data, where access to the records can be gained by the use of a personal identifier.

Personal Identifier. Personal Identifier shall mean any element of data which may be used to fix a person's identity either by itself or when combined with other data accessible to the holder of such data and which may include, but is not necessarily limited to: name, address, social security number, date of birth, race, zip code, mother's given name, mother's maiden name or any letters of the mother's given name or maiden name.

Secretary. Secretary shall mean the Director of the Department of Housing and Community Development as he/she is the executive and administrative head of the Department of Housing and Community Development pursuant to M.G.L. c.6A and of the Department of Community Affairs pursuant to M.G.L. c.23B, s.1 as amended by St. 1975, c.163, s.1.

III. The Rights of Data Subjects

1. A data subject has the right to examine and copy any personal data concerning him or herself which is held by the Lynn Housing Authority with the following specific exceptions:
 - a. confidential communications between counsel for the Lynn Housing Authority and Lynn Housing Authority; and
 - b. documents pertaining to in-progress law enforcement investigations
2. A data subject does **not** have the right to know the identities of persons who are not public employees.
3. A data subject can authorize any person to examine and copy his/her personal data on his/her behalf.
4. A data subject can object to any information about his/herself which he/she believes is incomplete or inaccurate. Personal data found to be erroneous must be corrected. A data subject may submit their own written account which must be maintained with the personal data to which they object.
5. A data subject has a right to confidentiality. Their personal data must not be disclosed to any person without their permission, except Lynn Housing Authority employees in the course of their duties.
6. A data subject may request a grievance hearing if he/she objects to any action or inaction of the Lynn Housing Authority in the collection, maintenance and dissemination of their personal data.

IV. The Manager's Duties

A. Access to Data Subject

Managers must provide tenants with access to personal data concerning them. Managers may insist that the inspection of tenant files be conducted by appointment and with the supervision of a Lynn Housing Authority employee. No data subject is allowed to remove any documents from their files. If the tenant desires photocopies, the documents may be photocopied only by a Lynn Housing Authority employee. If there may be other documents containing the tenant's personal data maintained elsewhere in the Authority, the tenant should be directed to inquire at the appropriate Department.

Before the tenant's appointment, the Manager should review the file. Any and all documents pertaining to the tenant that are not in the file (with the exception of documents controlled by other departments) should be placed in the tenant file for inspection. Any confidential communications between the Counsel for the Lynn Housing Authority and Lynn Housing Authority employees must be removed from the file. The Manager should carefully examine the contents of the file, and remove identifiers of any other person who is not a public employee. This may be accomplished by covering the other person's name, address or other identifying data and photocopying the document. The photocopied document may then be placed in the file instead of the original. If it is impossible to remove all the identifiers of the other person, a summary of the document may be written and substituted for the original in the file.

B. Access of the Data Subject's Representative

If the data subject sends a representative to inspect his/her file, then the Manager must make certain that the representative is

authorized by the tenant. Original written authorization must be obtained, and it must become part of the tenant file after the inspection.

The Manager may release personal data to a physician treating the tenant in an emergency, at the request of the physician. The emergency must be such that it precludes the data subject giving approval for the release of such data. After the emergency is over, the Manager must notify the tenant that the data was released to the physician.

The Manager may not release personal data to an attorney who is not authorized by a writing signed by the data subject.

Any and all access to the personal data of a data subject must be recorded and kept in a log which shall be kept in the front of the data subject file.

C. Objections and Corrections

If the data subject objects to data because he/she believes that it is inaccurate or incomplete, the Manager should ask the data subject to submit a written request stating the objections to the data and the reasons for the objections and the requested correction. The Manager must then investigate the data alleged to be incorrect. If the Manager's investigation reveals errors, then the Manager must keep the tenant's written statement in the file together with the data to which the tenant objects. The Manager must notify the data subject of the results of the investigation, and inform the data subject that they may request a grievance hearing to challenge the decision.

If the data subject objects to the Manager's denial of access to any particular data, (for example, the names of persons who have complained about the tenant) the tenant should be informed that they may request a grievance hearing.

D. Confidentiality

Managers (and all other Lynn Housing Authority employees) may not disclose personal data to anyone, except the data subject, the data subject's authorized representative, or another Lynn Housing Authority employee in the course of that employee's work. This duty of confidentiality particularly includes the fact that an individual is a Lynn Housing Authority tenant, as well as tenant's addresses, marital status, legitimacy of children, identity of fathers of children, medical condition, welfare payments, drug or alcohol consumption, family fights, reputation, or any other fact of a highly personal nature.

Managers should also assure that tenant files and other documents containing personal data are physically secure and reasonably protected from unauthorized intrusions.

Any tenant who believes that their personal data has been released without authorization, or otherwise misused, may request a grievance hearing.

E. Grievance Procedure

When a request for a grievance is made in accordance with this policy, the employee receiving the grievance procedure shall forward it to the hearing officer. The hearing officer shall schedule within thirty (30) days, at a mutually convenient time, a meeting between the data subject and the Manager whose actions have been grieved. After providing both parties with an opportunity to present evidence in an informal hearing, the hearing officer shall make a written decision within ten (10) days. If the data subject is still unsatisfied with the decision of the Lynn Housing Authority, he/she may request a review of the decision by the Executive Director, by notifying the Executive Director in writing within thirty (30) days of the receipt of the appeal and render a decision on the merits within thirty (30) days of the conclusion of the said hearing. The Executive Director shall also notify in writing the Director of the Department of Housing and Community Development within seven (7) days of the receipt of the appeal regarding the nature of and the filing of the appeal and within

seven (7) days of rendering the final decision notify the Secretary of the decision. The Executive director will then review the file and the decision and notify the tenant of his/her decision. There shall be no other in-house grievance or appeal rights.

F. Periodic Review of Personal Data Held

The Lynn Housing Authority shall once every twenty four (24) months review its personal data system with respect to the accuracy, current need, relevance, timeliness of data held and shall adhere to the following provisions:

1. Immediately following the completion of said review, the person(s) conducting the review shall make a written report describing the files, tapes, records, films or data reviewed and the degree of conformance by the Lynn Housing Authority with this policy.
2. A copy of the report shall be submitted to the Executive Director and to the Director of the Department of Housing and Community Development.