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200 OBJECTIVE

This chapter states the Department's intent to:

1. Protect applicants and/or recipients:
 - (a) from being segregated into special groups on the basis of their needs for public assistance and complimentary services;
 - (b) from being exploited for commercial or political use;
 - (c) by prohibiting personal information from being used as a basis for prosecution; and
 - (d) by recognizing the privileged nature of information made available to the Department.
2. Develop a relationship of confidence between the client and the Department. This involves an ethical obligation to maintain the confidential nature of personal disclosures, both oral and written, made in a professional relationship. This obligation is binding unless set aside with the consent of the client.
3. Develop a relationship of confidence between the Department and the public in general; the Department will protect information given by representatives of the public and use it in fulfilling the purposes of the Department's programs of assistance and service.

210 INFORMATION TO BE CONSIDERED CONFIDENTIAL

The information that must be considered confidential by the staff of the Department falls into two comprehensive classes: (1) lists of individuals assembled from Department files and (2) information pertaining to individual cases, recorded or unrecorded, from which or about which facts have been secured by a Department worker.

Workers are often asked to furnish specific information about individual cases. No details concerning the situation of an individual client should be disclosed by the staff of the Department, except for purposes directly related to the administration of the Department's programs, i.e., determining eligibility for assistance, offering services and/or securing services from other social agencies.

Case material should be discussed only (1) in conference with the supervisor or administrator; (2) with another worker when that worker's cooperation is needed in the planning or treatment of a case situation; (3) in planned group meetings when the identifying data is changed so that the case names are not revealed; and/or (4) with the appropriate reviewing or investigative entities, including the Office of Inspector General, with oversight authority.

220 INFORMATION CONSIDERED NOT CONFIDENTIAL

Department employees may release statistical information such as total expenditures OR number of recipients. Any information that is released as a public document (annual reports, brochures, program pamphlets, fiscal reports, personnel practices, etc.) will not include any identifying data on individual cases.

230 PROTECTION OF CASE RECORDS

A case record will never be taken from a Department office without proper authorization of the Community Services Manager or Supervisor.

An applicant or client will be allowed to review his or her case information during normal business hours of the office in which his or her case record is maintained. An applicant or client may be allowed to request copies of any document(s) within his or her case record for a fee.

Representative of other agencies will not have direct access to the Department's case records, unless allowable by law.

The case record is to be kept in a file when not in use by an employee of the Department.

240 WHEN TO RELEASE CONFIDENTIAL INFORMATION

These regulations are binding upon all employees of the Department.

240.1 TO OTHER AGENCIES

A decision to release confidential information should be given careful and thorough consideration. Effort will be made to cooperate with other agencies which are also attempting to further the best interests of our clients. Information which has been obtained from other agencies, will be obtained with the client's permission shall be bound both ethically and legally in confidence.

It should be explained to the client it might be necessary to exchange information with other agencies. He or she should be given reasonable assurance that these agencies will respect the information as confidential. The kind and extent of information which should be given depends upon the particular agency making the inquiry, the specific facts requested, and the use which is made of the information. Information furnished by the Department should be limited to the information requested.

Lists of recipients and applicants are not to be released by county offices. However, in the event that community organizations (such as Salvation Army, Moose, Elks, etc.) are engaged in providing meaningful services to the client and/or his or her family, an employee, upon approval of the Secretary or his or her designee, will furnish a list of requested names and addresses.

Many local, state and Federal government agencies have signed agreements with the Department for exchange of information. In all interagency agreements, there are provisions for the mutual safeguarding of confidential information.

Should doubt exist as to the willingness or the ability of an agency to protect information obtained from the Department, the Secretary or his or her designee should be consulted and his/her approval received before confidential data is released. When he/she deems it necessary, the Secretary or his or her designee should request from the agency in question a policy statement concerning the treatment of such information. The Secretary or his or her designee should receive assurance from the agency that the purpose of the information will be to benefit the client. Assurance should include a provision stating the information furnished by the Department will not be transmitted to another agency or individual without the consent of the Department.

240.2 TO INDIVIDUALS

The Department may release information to other individuals only with the client's permission. If the client is a minor or incompetent person, then the authorization of the client's legal guardian shall be substituted for that of the client.

The worker must use discretion in releasing information even if approved by the client. The client should be given a thorough explanation of the information to be released and the reason why. It is of utmost importance to protect the client's personal feelings and rights to privacy.

240.3 FOR JUDICIAL OR LAW ENFORCEMENT PURPOSES

Access to confidential records for law enforcement purposes may be granted by the Secretary or his or her designee to any court, lawyer, or law enforcement agency making a valid request for such information.

250 LIMITATION ON MATERIAL WHICH CAN BE SENT OR DISTRIBUTED TO APPLICANTS AND RECIPIENTS

There are limitations on what materials can be sent or distributed to applicants and recipients. All materials must be directly related to the administration of the particular program. It is acceptable to send or distribute materials which have an immediate interest of the health and welfare of the applicants and recipients including such things as announcements of free medical examinations, availability of surplus foods and consumer protection information.