

OFFICE OF LEGAL AFFAIRS

Confidentiality

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Policy

The Department of Children and Families (DCF) shall protect adult and child client information in its records in accordance with applicable state and federal law. Client information includes hard copy and electronic documentation, emails and audio- and videotapes depicting clients.

A client's consent is generally required in order to disclose information to another agency or individual. Disclosure of information without a client's consent is sometimes authorized, and, in some cases, mandated by statute.

If there is any doubt about whether certain information can be disclosed, a legal consultation shall be sought.

Legal reference: C.G.S. section 17a-28.

Definitions

Person means any individual named in a record maintained by DCF who:

- was previously or is currently committed to the Commissioner for any reason
- received services, voluntarily or involuntarily, from DCF
- was previously or currently is the subject of an investigation by DCF
- is the parent of a person if the person is a minor and the parent's parental rights have not been terminated or
- is the authorized representative of a person, if the person is deceased.

Information and **records** of a person means any information, including information depicted on videotape, created or obtained in connection with DCF's child protection activities, or activities related to a child while in the care or custody of DCF, including information in the Central Registry for Abuse or Neglect.

Protected Health Information (PHI) means individually identifiable health information maintained or transmitted in any form.

Consent means permission given in writing by a person, his/her attorney or authorized representative to disclose specified information within a limited time period to specifically identified individuals or entities.

Disclose means:

- to provide an oral summary of records maintained by DCF or
- to permit review of, or to provide copies of, records in whole, part, or summary form.

Legal reference: C.G.S. section 17a-28; 45 C.F.R. section 160.103

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HIPAA

DCF shall adopt and follow the State HIPAA policies and procedures.

As determined necessary by the Information Systems Division and DCF, workforce members shall receive HIPAA Security training and security reminders.

Each adult person shall be provided with the DCF-2236, "Notice of Privacy Practices". A copy of the signed notice shall be filed in the client's uniform case record.

DCF may use protected health information (PHI) as required by law, as follows:

- for treatment purposes (for example, shared with a physician or laboratory)
- for payment purposes (for example, payment to a pharmacy for medication)
- for health care operations (for example, internal quality efforts as agreed to by the individual)
- for purposes including, but not limited to, public health activities, health oversight, law enforcement, judicial and administrative proceedings or
- for recruitment efforts to secure placement and adoptive resources.

Permitted disclosures of PHI, without consent, may include the following:

- abuse or neglect and associated judicial proceedings
 - medical research
 - law enforcement
 - adjudicated youth
 - public health
 - notification of a family member or guardian of where a person is located and their condition.
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Release of Information

There are two approved forms to authorize the release of information to or from DCF:

- DCF-2131 T, "Authorization for Release of Information to the Department of Children and Families
- DCF-2131 F, "Authorization for Release of Information from the Department of Children and Families"

DCF-2131T shall be used when a DCF employee is seeking to obtain records from another agency, person or provider.

DCF-2131F shall be used when DCF is being asked to disclose records to another agency, person or provider.

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Other permitted disclosure

All DCF staff (e.g., social work staff, RRG, facility staff, etc.) may disclose client information, in either verbal or documentary form, in the normal course of their duties to:

- the client in an open case
- a client's parent or legal guardian in an open case
- a client's attorney or other authorized representative in an open case
- other DCF staff with a business reason to know
- an Assistant Attorney General
- the Superior Court for Juvenile Matters or a Probate Court for purposes of a court hearing related to a specific case and,
- any third party for whom there is a signed and current release of information from the client or the client's authorized representative.

All other requests for client information shall be forwarded to DCF Office of Legal Affairs staff or an Assistant Attorney General for advice and, when appropriate, redaction.

Cross-reference: DCF Policy 6-4, Records Management.

Loss of Confidential Information

If an employee suspects or is aware that any confidential information has been lost or stolen, the loss or theft must immediately be reported to the employee's supervisor. The employee shall also immediately follow the DCF Loss Reporting Procedure as outlined in DCF Policy 2-4, Information Systems Division.

Such lost information may be in either hard copy form or in electronic form. Such loss or theft includes the loss or theft of a laptop computer or other electronic device.

Employees shall make every effort to safeguard all confidential data.

Reporting Requirements for Breach of Confidentiality

Any DCF employee with knowledge of a breach of this confidentiality policy shall report the breach to the Agency Legal Director immediately. The Agency Legal Director shall notify the Commissioner and the Director of Human Resources.

Consequences of Unauthorized Disclosure of Client Information

The possible consequences for the unauthorized disclosure of client information can be severe, including but not limited to:

- disciplinary action up to and including termination of employment
 - arrest and prosecution and, if found guilty, a fine of up to \$1,000 and/or imprisonment for up to one year and
 - liability in a civil lawsuit, for which the Office of the Attorney General may or may not provide legal representation in its discretion.
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Confidential Case

All identified client and case information, whether stored electronically or in hard copy, is confidential and should only be accessed by assigned staff or those with a work-related purpose (e.g., companion case, father on another open case, payment processing, etc.).

Program directors or above are

- authorized to code a case in the electronic record as confidential in order to restrict staff access
- required to document the reason for the confidentiality classification.

A confidential classification shall be required for all cases and reports identifying a current DCF employee, consultant, or intern as:

- an alleged perpetrator of suspected child abuse or neglect
- a parent of an alleged victim of suspected abuse or neglect
- a legal guardian of an alleged victim of suspected abuse or neglect
- a household member in which abuse or neglect is alleged to have occurred.

Additional cases may be coded as confidential by a program director or above at their discretion.

Cross-reference: DCF Policy 2-3-1, Employee Code of Conduct.
