

DEVELOPMENTAL DISABILITIES ADMINISTRATION  
Olympia, Washington

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TITLE: PUBLIC RECORDS AND SAFEGUARDING POLICY 13.01  
OF CONFIDENTIAL INFORMATION

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Authority: [Chapter 42.56 RCW](#) *Public Records Act*  
[Chapter 388-01 WAC](#) *DSHS Organization/Disclosure of Public Records*  
[42 CFR Sections 160 through 164](#) HIPAA Privacy Rule

Reference: DSHS Administrative Policy 5.01, *Privacy Policy -- Safeguarding Confidential Information*  
DSHS Administrative Policy 5.02, *Public Records Requests*  
DSHS Administrative Policy 5.03, *Client Rights Relating to Protected Health Information*  
DSHS Administrative Policy 11.02, *Forms Management*  
DDA Policy 13.01, *Public Disclosure and Safeguarding of Confidential Information*  
DDA Policy 13.04, *DRW Access to Client Records*  
DDA Policy 13.05, *Fees Charged For Client Records*  
DRW Records Access Agreement

## **PURPOSE**

This policy provides direction for employees of the Developmental Disabilities Administration (DDA) in:

- Responding to requests from clients, the general public, agencies, and organizations for the disclosure of records held by DDA;
- Safeguarding confidential or sensitive information and documents; and
- Retaining and disposing of confidential or sensitive records and information.

## **SCOPE**

This policy applies to all Administration employees.

**Client** includes, but is not limited to, consumers, recipients, applicants, residents of DSHS facilities or institutions, individuals, and parents receiving support and/or services. For public records requests, clients include persons who previously received services or benefits, or persons who applied for services or benefits or persons who are receiving benefits or services.

**Client Confidential Information** means personal information that identifies a client, including protected health information, and that state or federal laws protect from improper disclosure or use.

**Client Record** includes information held by DSHS/DDA that relates to a particular client.

**Confidential Information** means information that is protected by state or federal laws, including information about DSHS clients, employees, vendors or contractors that is not available to the public without legal authority.

**Disclosure** means the release, transfer, or providing access to information outside of DSHS/DDA.

**Public Records** under RCW 42.56.010 includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW [40.14.100](#) and also means the following: all budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

**Public Records Coordinators** means those persons in each region appointed by the Regional Administrators to respond to public records requests and to assist the public or administrative staff in public record disclosure and client privacy rights matters.

**Public Records Lead** means the person at DDA Headquarters appointed by the Assistant Secretary. The Lead responds to public records requests that can be processed from Headquarters and assigns requests to the regions that can be processed by the regions.. The lead ensures regional coordinators receive training and helps coordinators with their records requests by advice and/or search of the DDA e-mail vault.

**Public Records or Public Records Disclosure** means the process to respond to a request for and grant access to public records, which includes allowing inspection of or providing copies of records held by DSHS/DDA, including client records. Chapter 42.56 RCW and other state and federal statutes and rules apply to limit, exempt, or prohibit disclosure of specified information or records.

## **POLICY**

- A. DDA employees will comply with Chapter 42.56 RCW, *Public Records Act*, and other applicable federal and state regulations governing confidentiality and privilege.
- B. DDA employees will maintain confidentiality of client records and will not disclose client information other than for treatment, payment, and agency operations without the specific, informed consent of the individual, his/her legal representative, his/her parent if a minor child, or pursuant to court order, except as authorized by law or permitted by the client.
- C. DDA employees will take precautions to safeguard the handling and disposition of confidential or sensitive information by using locked file cabinets where practical and necessary, and shredding such documents when they are no longer needed. DDA employees will use the HIPAA screen in the Comprehensive Assessment and Reporting Evaluation (CARE) system to record a request for confidential means of communication and approval of an agreement to restrict the use or release of protected health information.

## **PROCEDURES**

- A. DDA employees must adhere to the requirements and procedures described in the following DSHS or DDA policies:
- DSHS Policy 5.01 *Safeguarding Confidential Information*
  - DSHS Policy 5.02 *Public Records Requests*
  - DSHS Policy 5.03 *Client Rights Relating to Protected Health Information*
  - DDA Policy 13.01, *Public Disclosure and Safeguarding of Confidential Information*
  - DDA Policy 13.04, *DRW Access to Client Records*
  - DDA Policy 13.05, *Fees Charged For Client Records*
  - DRW Records Access Agreement
- B. The Public Disclosure Lead appointed by the Assistant Secretary, and the Public Disclosure Coordinators assigned by Regional Administrators must be familiar with and follow the procedures contained in [Chapter 388-01 WAC](#) and DSHS Administrative Policy 5.02, *Public Records Requests*.
- C. Each DDA facility/office must develop and keep current a plan for the systematic retention and disposition of all records, including the disposal of obsolete, inactive, semi-active, and archival records as required under Chapter 40.14 RCW and in keeping with DSHS Administrative Policy 11.02, *Forms Management*. Confidential or sensitive information and records that are no longer needed must be shredded.

**EXCEPTIONS**

No exceptions to this policy may be granted.

**SUPERSESSSION**

DDD Policy 13.01  
Issued April 1, 2008

Approved: /s/ Donald Clintsman  
Deputy Assistant Secretary  
Developmental Disabilities Administration

Date: December 1, 2015