



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: PUBLIC DISCLOSURE OF RECORDS POLICY 13.01
AND SAFEGUARDING OF CONFIDENTIAL INFORMATION

Authority: 42 CFR Section 483.410(c)
45 CFR Section 160
45 CFR Section 165
Chapter 42.17 RCW
Chapter 388-01 WAC

Reference: DSHS Administrative Policies 5.01, *Safeguarding Confidential Information*,
5.02, *Public Disclosure of and Access to DSHS Records*,
5.03, *Client Rights Relating to Protected Health Information in Client Records*,
11.02, *Retention, Disposition, and Disclosure of DSHS Records*

PURPOSE

This policy provides direction for staff of the Division of Developmental Disabilities (DDD) in:

- A. Responding to requests from clients, the general public, agencies, and organizations for the disclosure of division records;
- B. Safeguarding confidential or sensitive information/documents; and
- C. Retaining and disposing of confidential or sensitive records/information.

SCOPE

This policy applies to all DDD organizational units.

DEFINITIONS

Client means a person who receives services or benefits from DSHS. This term includes, but is not limited to, consumers, recipients, applicants, residents of DSHS facilities or institutions, patients, individuals, and parents receiving support enforcement services. Clients include

persons who previously received services or benefits and persons applying for benefits or services.

Client Record includes all information held by DSHS that relates to a particular client. The definition of “designated record set” under the HIPAA Privacy Rule is considered to be equivalent to and interchangeable with the term “client record.”

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.

Division means the Division of Developmental Disabilities (DDD).

Disclosure means inspection and/or copying of client records.

Public records means under RCW 42.17.020(36), all information and documents prepared, used, generated, owned or kept by DSHS to conduct business in any format or medium, including electronic data. Public records include client records and may include confidential information that is exempt or protected from disclosure to the general public.

Public Disclosure Officer means a person appointed by the Division Director or Regional Administrator to respond to public disclosure requests and to assist the public or division staff in disclosure matters.

POLICY

- A. DDD will comply with provisions of the state Public Records Disclosure Act, Chapter 42.17 RCW, and other applicable federal and state regulations governing confidentiality and privilege.
- B. DDD 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 parent if a minor child, or legal guardian, or pursuant to court order, except as authorized by law or permitted by the client.
- C. DDD 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.

PROCEDURES

- A. Division staff must adhere to the requirements and procedures described in the following

DSHS Administrative Policies:

- 5.01 *Safeguarding Confidential Information,*
- 5.02 *Public Disclosure of and Access to DSHS Records,*
- 5.03 *Client Rights Relating to Protected Health Information in Client Records*

- B. Public Disclosure Officers appointed by the Division Director or Regional Administrator shall be familiar with and follow the procedures contained in Chapter 388-01 WAC and DSHS Administrative Policy 5.02, *Access to and Disclosure of DSHS Records*.
- C. Each DDD 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 and Records Management*. Confidential or sensitive information/records that are no longer needed must be shredded.

SUPERSESSSION

DDD Policy 13.01
Issued May 8, 2000

DDD Policy 13.01
Issued August 24, 1998

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: 4/14/2003