



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

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

Authority: 42 CFR Sect. 483.410(c)
RCW 5.40.060(4)
RCW 18.83.110
Chapter 40.14 RCW
Chapter 42.17 RCW
Chapter 70.02 RCW
RCW 74.04.060
Chapter 388-320 WAC
DSHS Administrative Policy 6.14 Public Disclosure of Department Records
DSHS Administrative Policy 11.02 Retention, Disposition, and Disclosure of
DSHS Records

PURPOSE

This policy establishes procedures for:

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

SCOPE

This policy applies to all organizational units of the Division of Developmental Disabilities (DDD).

POLICY

- A. DDD will comply with provisions of the state Public Records Disclosure Act, Chapter 42.17 RCW, and other applicable statutes governing confidentiality and privilege.

- B. DDD will maintain confidentiality of client records and will not disclose client information without the specific, informed consent of the individual, their parent if a minor child, or legal guardian, except as provided under "Authority" listed above.
- 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.

DEFINITIONS

"Client" means a person or organization about whom the division has a record.

"Client record" means a record containing confidential information obtained or generated by the division concerning individuals. This includes, but is not limited to, names, addresses, and information obtained as a result of applications, investigations, medical examinations, and correspondence, or obtained in any other way concerning the condition or circumstances of any person from whom or about whom information is obtained. An electronic record is considered the same as a written record.

"Division" means the Division of Developmental Disabilities (DDD).

"Disclosure" means inspection and/or copying of client records.

"Public records" means information related to the conduct of government or the performance of a governmental or proprietary function prepared, owned, used, or retained by the division.

"Public Disclosure Coordinator" means a person appointed by the division director or regional administrator to assist the public or division staff in disclosure matters.

"Record" means any information recorded or maintained by the division regardless of physical form or characteristics of the medium used for retention, storage, and retrieval, including tapes, film, photographs, email, etc.

PROCEDURES

- A. Disclosure of Records
 - 1. Requests for disclosure of public records may be oral or written and must be given to the Public Disclosure Coordinator appointed by the Division Director or Regional Administrator. The request must:

- a. Identify with reasonable certainty the record to be disclosed;
 - b. Be made during customary business hours; and
 - c. Not be made for commercial or political purposes.
2. Division staff may use DSHS Form 17-041(X) (Rev. 03/1998), *Request for Disclosure of DSHS Records* (Attachment A).
3. Client records may be disclosed only as follows:
- a. As authorized by the client or their legal representative/guardian; or
 - b. If client authorization has not been obtained, disclosure must be made according to RCW 70.02.050; or
 - c. By division facilities to other division offices as described under WAC 338-320-235.
 - d. Client authorizations must:
 1. Identify the individual client;
 2. Identify with specificity the nature of the information to be disclosed;
 3. Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;
 4. Identify the provider who is to make the disclosure; and
 5. Be in writing, dated, and signed by the client or their legal representative/guardian.
 - e. If the client authorization does not contain an expiration date, the authorization expires ninety (90) days after it is signed.
4. DDD will advise persons receiving confidential information that they assume the same legal responsibility for safeguarding it as required of DDD. The person does not have to sign an oath of confidentiality if they have previously done so.

5. Public Disclosure Coordinators (PDC) appointed by the Division Director or designee must be familiar with and follow the procedures contained in DSHS Administrative Policy 6.14, *Public Disclosure of Department Records* (Attachment B).

B. Record Retention/Disposition

1. Each DDD facility/office that maintains public and client records must develop and keep current a plan for the systematic retention and disposition, including the disposal of obsolete, inactive, semi-active, and archival records as required under Chapter 40.14 RCW.
2. Confidential or sensitive information/records that are no longer needed must be shredded.

SUPERSESSION

None

Approved: /s/ Timothy R. Brown Date: 8/24/1998
Director, Division of Developmental Disabilities