

LCCS POLICY 150

Confidentiality and Release of Information

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Obsolete/Combined Date:	
Reason for Obsoleting/Combining:	
See New Policy #:	

Scope:	All agency staff, foster parents, board members
Responsibility:	Chief Counsel, Manager of Legal, Supervisor of Unit 76-D, Information Release Processors
Purpose:	To aid staff in determining what information contained in agency records can be released, to whom it can be released, and how it is to be released.
Legal Cite:	O.R.C. 2151.421, 5153.17, 5153.171, 5153.172, 5153.124, O.A.C. 5101:2-5-13, 5101:2-33-21, 5101:2-33-23, 5101:2-5-13 and O.R.C. Chapter 1347 and Juvenile Rule 24, O.R.C. 149.43

POLICY STATEMENT

Lucas County Children Services keeps all case information confidential to protect the privacy of persons involved with the agency pursuant to state and federal laws. Child welfare case information is NOT considered a public record under ORC 149.43.

LCCS only releases information to those individuals or entities that are legally entitled to such information, and then only through the established procedures of the agency. Employees, board members, foster parents and contract providers may only access information of a confidential nature when they are legally entitled to the information and only when there is a specific and legitimate business purpose, and then may only use the information obtained for the business purpose intended.

PROCEDURE – including required timeframes and documentation

All requests for client/case specific information will be forwarded to Information Release (Unit 76-D) for processing. **Exception: Requests from the Lucas County Board of Developmental Disabilities for information on open assessments.**

Workers-of-Record, who directly receive a Request for Information or a Court Order will send all requests to Information Release for processing.

The employee preparing the information for release will follow the **Comprehensive Index for Release of Information**. (Hyper-link is provided at the end of this policy).

If there is any doubt/question about the appropriateness of releasing specific information to a particular person or entity, or the type of information to be released the Supervisor of Unit 76-D, and/or Chief Counsel should be contacted. They will provide technical assistance and guidance with regards to the preparation of information to be released.

In complex or problematic situations, the Supervisor of Unit 76-D will seek guidance from the Chief Counsel.

Requests for Information on Closed Cases

Requests for information on closed cases will be forwarded to the information release processor. If the case is closed in SACWIS or other case management system in use but the physical record is not in filing, the worker of record holding the case materials has two (2) working days from the date of notification by Records, to produce the file in a state ready for filing for Information Release.

Requests from a CASA/GAL, an Attorney for the Child to Review an Open Case and Requests for Discovery will be processed in the following manner:

- Caseworker or caseworker supervisor will refer the CASA/GAL or attorney for the child to the information release processor to schedule an appointment to view the case or to prepare the information and place at the security desk for pick up.
- Caseworker/Supervisor or Legal Department should **NOT** schedule a date or time for the requestor to view the record.
- The information release processor will call to determine the timeframe for preparing the information. Requests must allow a minimum of three (3) working days to prepare the file. **Exception:** Requests to view multiple cases may take up to five (5) working days to prepare the files.
- The information release processor will redact the case as appropriate.
- CASA/GAL, attorney for the child, or an attorney with a Request for Discovery must provide appropriate documentation (i.e., formally filed Request for Discovery, journalized Court Order or appointment letter) to view the prepared case file.
- Only the CASA/GAL named in the appointment letter or the attorney who filed the Request for Discovery will be allowed to view records.

- Attorneys requesting that their legal assistant(s) review the records must supply written documentation of their legal assistant(s) status. The legal assistant(s) will be required to sign a “Confidentiality Pledge.”
- The information release processor will be in the room for the duration of the review to monitor the activity of the review and make copies of the documents requested.
- A parent may elect to act as his/her own attorney (known as “pro-se”). In this case, the Information Release staff should first consult with the attorney of record, Legal Manager, or Chief Counsel.

Requests from Lucas County Board of Developmental Disabilities and/or Lucas County Child Fatality Review Board

Requests from the Lucas County Board of Developmental Disabilities for case disposition on a current assessment will be processed by the assigned Assessment worker of record.

Requests from the Lucas County Child Fatality Review Board will be processed by the information release processor following approval from the Lucas County Prosecutor.

The Comprehensive Index for Release of Information will be followed to determine documents to be released to the Lucas County Board of Developmental Disabilities and Child Fatality Review Board.

Release of Information General Procedure (See Comprehensive Index for Specific Guidelines)

- Only release information on the person who is named on the Information Request Form (LCCS 8876) or Court Order (redact all other names).
- Verify that the person signing the form has the legal authority to sign (i.e., custodial parent, legal guardian, etc.)
- Only release the information requested.
- Never release the name of the referral source (unless authorized by Chief Counsel).
- If third party materials are requested, consult the Attorney of Record, Legal Manager or Chief Counsel prior to releasing.
- Screen for subjective material.
- All materials to be released need to be reviewed and approved by the preparer’s supervisor.
- The Information Release Processor will input a note in SACWIS documenting the dissemination of information including: a summary of the information disseminated, date it was disseminated, reason, and if written authorization was given by the Executive Director.
- Verbal Releases of Information need to be documented in SACWIS. Verbal releases should **only** occur when authorized by statute.
- All released materials need to be stamped confidential and not for further dissemination.
- Ohio Revised Code and Ohio Administrative Code provisions with regard to confidentiality must be followed.

This policy will be reviewed with all staff/employees every six months

PRACTICE GUIDES

All employees, board members and foster parents shall keep confidential, any information concerning service recipients or agency staff members learned through the course of employment, service as a board member or foster parent. This includes information which would be considered employee sensitive data such as addresses, health care related information, and information from the personnel record of an employee which is not considered a public record.

All public records requests must follow LCCS Policy 151, "Release of Public Records", and all requests for confidential case information must follow LCCS Policy 153, "Confidentiality of the Clearing Process", and the LCCS Release of Information Guide. When there is a doubt about the release of information, the employee should request a review by the Supervisor of Unit 76-D or Chief Counsel.

All employees using technology which allows them to access agency sensitive information off-site such as phones with email access, I-PADS, or other computer devices (regardless if these devices are provided by LCCS or are the employee's personal device), MUST ensure that confidential information is protected. Such protection includes, but is not limited to, the use of passwords, encryption software, and protected access to wireless routers/and modems. If any employee is unsure if his or her device is protected, the employee should not use the device and consult with the Information Technology Department. Agency issued devices are the responsibility of IT, and staff may not turn off any security software or password requirements on these devices.

Children in agency custody do **not** require a signed Release of Information to share information for treatment services with probation officers, service providers, CASAs, etc., as we are the custodian. If information to be released goes beyond the scope of child specific information, an Executive Release will be needed. As with all releases, third party information will not be released.

Risk to survivors of domestic violence can increase dramatically when information about the disclosure or other documentation is shared. Employees must be aware of these issues and exercise caution with such information, especially the address of the adult survivor.

In accordance with Agency Policy 1001 - Hardware and Software, no employee shall access any data management program or use LCCS equipment or the employee's login to access information for which he or she does not have a legitimate business purpose.

It is a violation of confidentiality to do any of the following:

- Share information learned in the course of employment at LCCS that would be considered confidential information without the appropriate Release of Information or a legitimate, case-specific related reason to do so;

- Share information about high profile or serious cases with other employees who do not have a work-related need-to-know.
- Attempt to access information from involved staff about high profile or serious cases without a work-related need-to-know.
- Take a friend, family member, or other party, including any LCCS staff member (who has no business reason to accompany you), to the home of any family/child/foster family/service recipient etc., or to any meeting occurring on agency business. **Note:** this includes having any person with you at a home visit even where you believe that you have taken steps to mask identity, such as having the person wait in a motor vehicle. This is an issue of confidentiality AND one of safety, as well as, a liability for LCCS and the employee.
- Share the identity of any person with current or past involvement with LCCS with any person who does not have the legal right and business reason to such information under this or other LCCS policies/procedures;
- Discussing confidential information in any area that could be considered open and accessible to others who do not have the authorization to know this information (public places including restaurants, break areas, the elevators, hallways, at home, or when with family or friends etc.);
- Discussing information which would be considered sensitive about other employees such as health or other personal information, family situations, etc. These things do not have to be malicious or ill-intended, but without the express authorization of the employee impacted by such information, it shall not be shared.
- When an employee is out of the office ill for a period of time or with a family situation, and another employee wishes to make contact but is unaware of an address (to send a card) or phone number, the employee shall consult with HR, who can address the card or make contact with the employee first, and provide the phone number of the employee who made the inquiry. At no time will the address or phone number of an LCCS employee be given. ORC Section 2151.241.
- **Note:** No list can cover all of the actions or inactions of an employee which might violate agency policy/procedures. All employees are expected to understand their roles and responsibilities regarding confidentiality and release of information, and are expected to exercise professional judgment and utilize the counsel of their supervisor in situations where there is doubt on these issues.

This policy will be reviewed with all staff/employees every six months.

RELATED POLICIES and FORMS

LCCS Policy 148 (Fees for the Preparation & Copying of Records)

[Comprehensive Index for Release of Information](#)

Information Request Form (LCCS 8876)

LCCS Policy 151 (Public Records)

LCCS Policy 153 Confidentiality of the Clearing Process

LCCS Policy 1001 Agency Hardware and Software