



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: PUBLIC DISCLOSURE AND SAFEGUARDING POLICY 13.01
OF CONFIDENTIAL INFORMATION

Authority: Chapter 42.56 RCW Public records
Chapter 388-01 WAC DSHS organization/disclosure of public records
42 CFR Section 160 to 165 HIPAA Privacy Rule

Reference: DSHS Administrative Policy 5.01, *Safeguarding Confidential Information*
DSHS Administrative Policy 5.02, *Public Disclosure of and Access to DSHS
Records*
DSHS Administrative Policy 5.03, *Client Rights Relating to Protected Health
Information*
DSHS Administrative Policy 11.02, *Forms and Records Management*

PURPOSE

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

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

SCOPE

This policy applies to all division employees.

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 information held by DSHS/DDD that relates to a particular client.

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.

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/DDD.

Public Disclosure or Public Record 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/DDD, 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.

Public Disclosure Officer means a person in each facility/office appointed by the Division Director or Regional Administrator to respond to public disclosure requests and to assist the public or division staff in public record disclosure and client privacy rights matters.

Public Records under RCW 42.17.020 (41) 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.

POLICY

- A. DDD employees will comply with Chapter 42.56 RCW, *Public Records*, and other applicable federal and state regulations governing confidentiality and privilege.
- B. DDD 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. DDD 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.

PROCEDURES

- A. Division employees 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;* and
 - 5.03 *Client Rights Relating to Protected Health Information.*
- B. Public Disclosure Officers appointed by the Division Director or Regional Administrators must be familiar with and follow the procedures contained in Chapter 388-01 WAC and DSHS Administrative Policy 5.02, *Public Disclosure of and Access to 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 and records that are no longer needed must be shredded.

EXCEPTIONS

No exceptions to this policy may be granted.

SUPERSESSION

DDD Policy 13.01
Issued October 16, 2003

DDD Policy 13.01
Issued April 14, 2003

DDD Policy 13.01
Issued May 8, 2000

DDD Policy 13.01
Issued August 24, 1998

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

Date: March 1, 2007