

**County of San Diego, Health and Human Services Agency (HHSA)
CalWORKs Program Guide**

Confidentiality of Records and Release of Information

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Effective/Revision Date:

11/01/2019

Background:

Regulations were established to protect customer confidentiality for Self-Sufficiency Programs and outline the circumstances for which this information may be released. CalWORKs confidentiality policies regarding customer information and case records includes CalWORKs Employment Services and support programs.

Purpose:

This section has been reformatted and updated to reference the Confidentiality Eligibility Policy and Procedures Guide (EPPG) as well as streamline policies and procedures regarding CalWORKs confidentiality and the release of case information.

Policy:

Confidentiality of Information and Records

Confidential information includes names, addresses, and all other eligibility information of all customers. Confidential information will not be disclosed for any purposes not directly related to the administration of the CalWORKs program, including CalWORKs Employment Services and support programs.

Collateral Contacts

To protect confidentiality, the customer must be given the opportunity to provide required information or verifications in a manner which does not identify them as applicants or recipients of aid.

The customer must be informed of their option to obtain required information on their own without any requirement to use County forms. Except for contacts with the Bureau of Public Assistance Investigations (BPAI) staff, the customer's written consent must be obtained prior to initiating collateral contacts.

Unauthorized Disclosure of Confidential Information

Unauthorized disclosure of confidential information by a County employee or County contracted provider is in violation of Welfare and Institutions Code 10850 and may lead to criminal or civil liability for both the employee, the contracted provider, and the county. The County may also take disciplinary action against a county employee.

Case Records

Case records and original documents including electronic records are considered confidential and required to be safeguarded. Unless approved by the site manager, staff will not take any case records/confidential information off site.

When requested, case records may be routed to other HHSA divisions or State or County administrative staff for official use without site manager approval.

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Federal and State

State and Federal Quality Control may borrow HHS cases for their Quality Control reviews without prior approval. Request for these cases may be made directly to the Family Resource Center (FRC), employment site, or through the HHS Quality and Eligibility Support Manager.

These policies and procedures do not apply to adoption case records, as information may not be released from adoption case records.

Release of Information

Confidential information may be released without customer consent for purposes directly connected with the administration of CalWORKs program, the following agencies and/or persons are authorized to receive or exchange confidential information:

- Auditor and Controller (County, State, and Federal)
- County Counsel (except for investigations of Worker's Compensation claims)
- HHS Eligibility staff including other Counties, State, and Federal
- State Department of Health Services Investigators
- District Attorney – Bureau of Public Assistance Investigations (BPAI), HHS Employee Fraud Prosecutions, (Child Support and Child Care Prosecutions only)
- Employment Services (ES) Contractors
- CalWORKs Offices at Community Colleges
- Employment Development Department
- Social Security Administration
- Mental Health Services and Practitioners
- Voluntary refugee Agencies (VOLAGS and Central Intake Unit)
- Juvenile Probation Department for billings on CalWORKs Foster Care cases
- Grand Jury
- Revenue and Recovery
- Local Child Support Agency (LCSA)
- Department of Child Support Services (DCSS)
- Child Care Providers and Alternative Payment Programs
- Housing Authorities
- Contracted SSI Advocates
- Alcohol and other Drug Providers (AOD)
- Domestic Violence Providers
- Southern California Tribal Chairmen's Assoc., Inc.

If in doubt as to the propriety of releasing any program specific information, please contact Eligibility Operations Program Support.

Public Administrator

Information from CalWORKs, Medi-Cal, and General Relief records may be released to the Public Administrator when the information is needed for the operation of the Indigent Burial Program.

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Medi-Cal Provider/Consultants

For detailed information regarding Medi-Cal release of information, please refer to the Medi-Cal Program Guide.

Public Health Nurses (PHN)

Limited eligibility information may be shared by the FRC PHN liaison with the PHN. The PHN Liaison will ensure that the PHN is on a designated list, contact the assigned Human Services Specialist (HSS) and determine the status of the case. Information that may be shared includes the following:

- Case status: pending, active, discontinued or denied.
- Reason(s) case still in pending status.
- The beginning date of eligibility.
- The denial date and reason for denial.
- The discontinuance date and reason for discontinuance

The PHN liaison will provide the PHN with information needed to assist the customer in accessing benefits. The liaison/HSS will record in CalWIN case comments all requests for information and the disposition of the request.

Research

Before access to case records can be evaluated, organizations or graduate students conducting research must submit information regarding the project to Eligibility Operations (EO) Program Support to resolve confidentiality issues and receive policy and procedures regarding the release of information.

Child Care

Alternative Payment Programs (APP), Resource and Referral Programs and childcare providers are an integral part of Stage One childcare service delivery. Customer confidentiality would not be violated if the communication with any of these entities is directly related to providing Stage One childcare services, or transition to Stage Two or Stage Three. In exchanging customer information for purposes of administering the seamless childcare program, each of these agencies is bound by the same confidentiality requirements.

The use and disclosure of all information pertaining to the child and their family shall be restricted to purposes directly connected with the administration of the program. The APPs shall permit the review of the basic data file by the child(s) parent(s) or parent's authorized representative, upon request and at a reasonable time and place.

The APP shall share information necessary for the administration of the childcare and CalWORKs programs for the time period for which the person receives childcare.

Customer Consent Required

Information contained on applications or other documents made or kept by HHSA may be released to the customer or the customer's authorized representative subject to the following conditions:

- The customer has authorized the release of information, **and**
- The information was provided solely by the customer, **or**
- The customer authorized HHSA to obtain the information

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Written Authorization

Acceptable request to release confidential information must be signed and dated by the customer and must be received by the HSS prior to release of the information.

- It may be faxed or electronically submitted.
- No follow-up hard copy is required.
- It will expire one (1) year from the date signed unless expressly limited to a shorter period.
- It may be revoked at any time.
- To use the authorization the representative must first be positively identified and such identification documented in case comments.

Except as provided below, all customer authorizations are to be written.

Telephone Authorization

A telephone authorization may be accepted for one-time contacts in lieu of written authorization when the circumstances ensure that the customer has positively identified themselves to the county.

Acceptable items of over the phone identification may include:

- Driver's license number.
- Social security number.
- Date of birth.

A telephone authorization is temporary and acceptable for one-time contacts. If the customer wishes to authorize release for a longer period, written authorization is required. The customer's verbal agreement to provide a written authorization must be documented in CalWIN case comments. No additional information may be released until a written authorization is received, or the customer provides additional verbal authorization for each release.

Refer to EPPG Authorized Representative (AR) for process on appointing or rescinding an AR.

Request for Information

When a request for information does not appear to be reasonably related to the responsibilities of the requesting office, a written statement or contact concerning the request and the circumstances must be forwarded to the CalWORKs Program Manager.

Inquiries from agencies and persons not listed on the **Authorized Disclosure List** will be handled as follows:

Board of Supervisors and Other Political Entities

Most inquiries from the Board of Supervisors or other political entities are referred to Eligibility Operations Program Support.; However, some inquiries may be referred to the FRC Manager, or Employment Services Manager for resolution. These inquiries may include:

- General requests for information on program or office procedures.
- Requests based on complaints by a customer pertaining to HHS handling of their situation.
- Requests based on any anonymous complaint pertaining to case handling or to a particular customer.

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The manager will respond to the inquiry or attempt to resolve the issue without releasing information concerning a specific customer. If the individual making the inquiry requests information about a specific customer or the results of follow-up action with a customer, the customer's consent either verbal or written is required prior to the release of information.

Absent Parents, and/or Customer's Family or Friends

Release of information to absent parents, the customer's family, or friends requires the written consent of the customer. In handling such requests, the following procedure must be followed:

- The HSS will not acknowledge that the customer or the customer's child(ren) have applied for or are receiving aid or services.
- The HSS will inform the requesting person that a written request for any information must be submitted, and must include their address and phone number.
- When the written request is received, the customer must be notified of the request for information. The customer may then provide the information directly to the requesting person.
- If the customer does not wish to provide the information directly, but will provide written authorization to release the information, the HSS will provide the information to the requesting person.
- The written authorization **must** be received first and the requesting person **must** provide proof of identity before the HSS provides the information.
- If the customer does not give consent, the information will **not** be released.
- If a non-custodial parent alleges that the aided parent has kidnapped, abused, or neglected the child(ren), the case must be referred to Child Welfare Services for appropriate action. The HSS must report the allegation to the Child Abuse Hotline at 1-858-560-2191. The HSS should also provide the non-custodial parent with the hotline number for future reference.

Attorneys

Requests from defense attorneys, including Legal Aid Society and the Public Defender, that do not include a customer's authorized release, will be referred to EO Subpoena Liaison for an explanation of how to subpoena records.

Businesses

Release of information to businesses is only authorized when HHSA has a written and dated authorization from the customer. Valid business inquiries may include grant and address information to establish a customer's credit but do not include inquiries to pursue collection on a delinquent account.

Law Enforcement Officials

Representatives of law enforcement agencies can receive confidential case information in specific instances. In releasing information to law enforcement, the following procedures must be observed:

- All requests must be made in writing by the head of the agency or their designee, on their agency's letterhead and must specify that an arrest warrant has been issued for a customer for the commission of a felony or misdemeanor. The request must be for a specific customer unless warrants have been issued for several persons in the same case. A faxed request is acceptable.
- The disposition of each request must be notated (case name/number; name of manager; type of response; name of person to whom information was released) and the original maintained in a central control file by site management.

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- Requests for information from local law enforcement agencies such as Sheriff's Department, a city Police Department or Probation Department are to be referred to the manager of the office in which the case is currently, or was last, active. Only a manager or their designee may release information.
- Requests for information from Federal or State law enforcement agencies such as the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), Parole Officers or Military Police and any requests from other law enforcement-related sources including bounty hunters or court orders are to be referred to the office of the Deputy Director of the Health and Human Services Agency for disposition.

The specific circumstances in which information may be released to law enforcement are listed below:

Criminal Acts Impacting Department/Employee

Confidential information about a customer may be released to a law enforcement agency investigating or gathering information regarding a violation of federal, state or local law committed:

- In a FRC or Employment Services office;
- Against any department, agency or agency contracted employee when the employee was involved in the administration of public social services; **or**
- Against any off-duty department, agency or agency contracted employee in retaliation for an act performed by the employee as a job duty.

Information released must be limited to the customer's name, physical description and address. **Only site Management or EO may release this information** (W & I Code, Section 10850).

Other Criminal Activity

- If an HHSA employee or contracted provider observes a customer engaged in a crime in progress that is unrelated to the performance of the employee's duties, the employee may report the crime, but not release confidential information such as customer's name or address.
- If further information is requested by law enforcement, contact the EO Program Manager who will handle on a case-by-case basis in consultation with County Counsel.

Deceased Applicants/Recipients

- This section is limited to information in the CalWORKs case records and is limited to a specific customer. CalWORKs confidential information may be released to any law enforcement agency when the customer is deceased. **Information released must be limited to the customer's name, address, telephone number, birth date, social security number and physical description.**
- This information may only be released upon written request from the head of the law enforcement agency specifying that the customer is deceased and that the agency is otherwise unable to adequately identify the deceased.
- This information may be released by telephone upon the condition that the head of the law enforcement agency submits a request in writing within five (5) days of the disclosure.

Felony and or Misdemeanor Arrest Warrants

- State law requires that customers be informed that confidential information from their own case records will not be protected from disclosure to a law enforcement agency should a felony and/or

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misdemeanor arrest warrant be issued in their name. This information is currently provided on the Statement of Facts coversheet and shall be reviewed with the applicant or recipient at Intake, at Redetermination, and whenever an adult is added to the case.

Private Organization/Person

Private organizations and individuals not on the authorized disclosure list who request case information, including whether a person is receiving or has received aid, must be informed about the regulations regarding confidentiality of case records. If the inquiry is not case specific, general statistics or program information can often resolve the inquiry.

- No case information is to be released without the written authorization of the customer.
- All media inquiries are to be referred directly to the site manager

Closed Cases

Inquiries from agencies and persons listed on the Authorized Disclosure List for cases that have been closed and forwarded to Record Library are to be referred to Access.

References:

WIC 10850

MPP 19-001, 19-004, 19-005, 19-006, 19-007 and 19-008

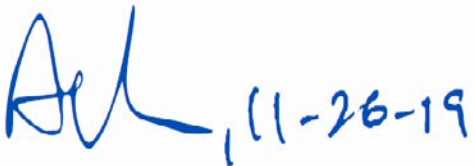
EAS 47.301.41

EPPG Authorized Representative

Sunset Date:

This policy will be reviewed for continuance on or by 11/30/2022

Approval for Release:



Rick Wanne, Director
Eligibility Operations