

XI. RELEASE OF INFORMATION

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XI. RELEASE OF INFORMATION

SAFEGUARDING INDIVIDUAL'S RECORD AND INFORMATION

Employees are responsible for complying with the legal requirement to protect the confidential nature of information in individual ECF, including all individual's identifying information contained in reports, lists, and other paper or electronic documents, and for prohibiting unauthorized access.

All personnel are to maintain a professional respect for the confidential nature of the data on individuals. ~~and~~ Refrain from indiscreet and/or casual conversation that might reveal to unauthorized persons information concerning individuals receiving services from ARS.

In accordance with federal and state regulation, the state will safeguard the confidentiality of all personal information. 34 C.F.R. § 361.38

RELEASING INDIVIDUAL'S INFORMATION

Individual's information is released in only four situations:

- 1) when authorized by the individual,
- 2) in response to a valid subpoena, court order, or other legal process,
- 3) when directly connected with the individual's rehabilitation, or
- 4) in certain emergency and investigative circumstances which poses an immediate threat to the safety of the individual or others.

RELEASE TO THE INDIVIDUAL OR A REPRESENTATIVE

When information is released to the individual or the individual's representative, personal information in the file obtained from another Agency or organization can be released only by, or under the conditions established by the other (external) Agency or organization. ARS must refer the individual to the source to obtain the information.

The counselor must make appropriate Agency information in the individual's ECF accessible and or release to the individual, or representative, in a timely manner, when requested in writing by the individual or authorized representative.

A relative of the individual may not receive records without written authorization by the individual:

- 1) if the individual is a minor, the parent may be considered the authorized representative;
- 2) if a court-appointed representative or legal guardian has been appointed by the court, information must be released to the representative or guardian.

HARMFUL INFORMATION

Medical, psychological, or other information the counselor believes may be harmful to the individual must not be released directly to the individual. Such information must be released through a representative designated in writing by the individual, who may include, among others, an advocate, a family member, or qualified medical or mental health professional.

RELEASE TO A COURT OR ADMINISTRATIVE BODY

ARS may release the individual's information in response to an order, subpoena, or summons issued by a court or other judicial body under state or federal rules of civil or criminal procedure. The document may be signed by the judge, magistrate, administrative law judge or hearings officer, clerk of court, or by any official who is authorized by law to issue subpoenas.

RELEASE FOR A PURPOSE DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE INDIVIDUAL'S VR PROGRAM

Provisions of the individual's IPE determine the scope of the individual's rehabilitation.

Releasing the individual's information for a purpose directly connected with the individual's rehabilitation usually poses no problem. This release does not legally require express or written consent from the individual.

When it is difficult to ascertain whether the purpose of the release is "directly connected with the individual's rehabilitation program," obtain a written authorization from the individual to provide information to an organization or individual.

RELEASE FOR RESEARCH OR EVALUATION

Written authorization must be obtained from the individual to release information to the organization or person engaged in audit, evaluation, or research for a purpose that could significantly improve the quality of life for persons with a disability.