

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.04.04 CONFIDENTIALITY

A. Introduction

Most of the information (verbal, written, electronic and printed) and many of the events encountered by staff of the Board are considered to be of a confidential nature. All staff members whose job assignments and/or job environments give them access to personal matters of people served are required to maintain the confidentiality of this information by revealing it only to authorized personnel as needed. If uncertain as to whether a matter or information is confidential, or who needs to know this information, the staff member is required to contact his/her immediate supervisor, department head or the Superintendent for determination prior to revealing the information/situation to anyone.

B. Policy

1. Expressing personal opinions about an individual's condition or situation is considered to be in violation of this policy except when such is done with other staff for the purpose of efficiency, safety, health and/or treatment. Discussions on such topics should be held where staff is unlikely to be overheard.
2. Having knowledge of and practicing specific procedures for maintaining confidentiality are the responsibility of each staff member and his/her immediate supervisor.
3. Staff members may be required to sign a statement pledging, under penalty of law, to maintain the security of the confidential data to which they have access.
4. The release of information concerning the program to the news media, on social media and the general public must be approved by the Superintendent, or designee, prior to such release. It may also require the permission of the individual(s) or the individual's guardian, or parent if the individual is under the age of 18.

C. Definition of Confidential Information

All files, records and information (including but not limited to the following forms: audio, video, audio tapes, photographs, printed, digital and written material and any waiting lists for services) bearing any personally identifiable information regarding a recipient of services provided by the Board is considered confidential and is the program's property under the jurisdiction of the Board.

Ohio law establishes child abuse and neglect reports as confidential, and provides that a person who permits or encourages the unauthorized dissemination of a report's contents is guilty of a misdemeanor of the fourth degree.

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D. Protection of Confidential Materials

1. It is the responsibility of each staff member to keep all materials safely and securely stored under password, encryption, lock and key, as applicable whenever possible.
2. Permanent records or paper or electronic copies of individuals' file materials shall not be removed from the grounds by staff unless all rules governing confidentiality of records and their release have been complied with. Procedures regarding this matter are to be developed by the Superintendent or designee.
3. Information may be released to agencies/persons with the legal authority to access the information or with the consent of the individual or guardian, as appropriate, with a properly executed release of information in accordance with agency and department procedures. Such a release form must be in compliance with Ohio law, the Health Information Portability, and Accessibility Act (HIPAA), and the Federal Educational Rights and Privacy Act for school-age children (FERPA) as applicable. Only information/materials stipulated on the release form should be shared. The release of any confidential information must be noted within the individual's record.

E. Access to Confidential Materials

1. Staff members employed for education, training, or other assigned purposes will have free access to an individual's master files when such are needed to evaluate, develop and implement IEPs, ISPs, etc., and to obtain evaluation data. Any other person wanting access to files must follow the specific procedures required by law and the component/division holding the desired information.
2. During a Major Unusual Incident investigation, certain sensitive information may be discovered about the individual, his/her family, and staff. In such instances, this information may not be discussed or released with the exception of legal reporting requirements (i.e., abuse and neglect situations) until the individual's health and safety is assured and any appropriate consent for release of this information is obtained. Even then, the information should be held in the strictest confidence and released only in accordance with law and procedure.

F. Only employees may make visits to a service recipient's home, training site, or place of employment. No children, other relatives or friends of an employee may accompany an employee during work hours without the Superintendent's permission.

G. Confidentiality procedures and requirements are subject to change through either legislation or administrative ruling. The Superintendent will communicate any such changes to all employees.

H. Violations of this policy may result in disciplinary and/or legal action.