

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	CONFIDENTIALITY	1013

1. Purpose. This policy provides guidelines for use of the Master Records of individuals receiving services through Developmental Disabilities Services (DDS), in order to maintain confidentiality.
2. Scope. All DDS employees and individuals/applicants and their families, organizations or entities who need or hold information about individuals who receive services.
3. Confidentiality. All information in DDS records is confidential and as such can only be released as permitted by regulation or under proper authorization by the individual or parent/guardian.
4. Records.
 - A. The Individuals' Records are the property of the individual or parent/legal guardian. Records may be released when subpoenaed, transferred to a Human Development Center, or authorized by the Division Director/designee. DDS will not release records to outside party without prior written permission from the individual or parent/guardian.
 - B. All records will be housed in a secured area. Access to such records may be only by those staff whose job duties require access or are granted authority by the Director/designee. Access records will be maintained, denoting all parties who access individuals' records and why.
 - C. DDS employees will respect the confidentiality of all information regarding the individual or parent/guardian at all times.

Replacement Notation: This policy replaces DDS Commissioner's Office Policy #1013, effective July 17, 1980, December 10, 1980 and August 22, 1983.

Effective Date: December 1, 1993

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References: Attorney General's Opinion dated November 1, 1980, Regional Health Standards and Quality Letter No. 88-9, Health Care Financing Administration-Regional Office VI.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: November 4, 1993.

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- D. It is acknowledged that the individual or parent/guardian has the right to review the contents of the master record, however, DDS reserves the right to schedule a time for such review and have an employee present at the time of the review.
5. Authorization. Proper authorization to release information from Master Records shall be defined as a written document containing the following information for any request including but not limited to a local education agency:
1. Individual's Name
 2. Date within 30 days of receipt
 3. The entity authorized to release the information
 4. Party to whom information is to be released
 5. Information to be released and reason
 6. Separate execution for each request

For a Local Education Agency (LEA) request only, any DDS records needed to prepare an appropriate Individualized Education Program for the individual with a disability may be transferred from DDS and/or the facility site to the LEA, provided that they are accompanied by the following notice:

NOTICE

This information contains personally identifiable education records as defined by the Family Educational and Privacy Rights Act (20 U.S.C.A. 1231g et seq.). This transfer is being made pursuant to the authority contained in 1232g (b) (1) of the Act and the implementing Regulations contained in 45 C.F.R. 99.30, 99.31 and 99.34. Any disclosure of these records must comply with the Act and Regulations.