

<b>CFS</b> Child & Family Services <b>Operations          Manual</b>	Program Information	X	Procedure	X	Policy
	Document Title: <a href="#">Confidentiality and Protection of Records Policy</a>				
	Content Area: <a href="#">Program Design and Management</a>				
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	Regulatory References: <a href="#">Child Care Licensing, HSPS 1303 Subpart C, FERPA, IDEA</a>				
	Key Word1: <a href="#">Privacy</a>		Key Word2: _____		
Related Documents: <a href="#">Code of Conduct</a> <a href="#">KVCAP Personnel Policy Handbook</a> <a href="#">Technology Policy</a> <a href="#">Family Handbook</a>					

## POLICY

Child & Family Services (C&FS) respects the privacy of each participant and volunteer. We comply with best practices and regulations related to confidentiality of information during and after that person’s relationship with C&FS. Related regulations include:

- Head Start Performance Standards
- Maine Rules for the Licensing of Child Care Facilities
- Family Educational Rights and Privacy Act (FERPA)
- Individuals with Disabilities Act (IDEA)

C&FS employees, contracted providers and collaborative partners will have authorized access, to the extent necessary to perform their duties, to individual and family information as a condition of employment or when included in a contract agreement. Representatives from funding sources associated with specific children and families will have access to information relative to his/her audit responsibilities. Each employee, volunteer, contractor and partner is required to protect against unauthorized access to information, ensure the security and privacy of such information, and disclose any anticipated threats or hazards to such information. All employees, contracted providers and collaborative partners must not disclose private information to the public or other individuals, including but not limited to other agency employees who have not been authorized. Any questions regarding the release of such information to another person should be directed to a supervisor.

## DEFINITIONS

*Child record:* recorded information directly related to a specific child and maintained by C&FS.

*Disclosure:* the release, transfer or other communication of personally identifiable information contained in child records by any means.

*Family Records:* recorded information related to work with enrolled child’s family members and is not considered part of the child’s record.

*Parent:* child’s mother or father, other family member who is a primary caregiver, foster parent or authorized caregiver or guardian.

*Personally Identifiable Information (PII):* information that can be used to distinguish an individual’s identity, either alone or combined with other personal identifying information that is linked to a specific individual.

## **PROCEDURES**

### ***Parental Rights & Access to Information***

1. A parent will receive annual notification of this policy.
2. A parent has the right to inspect and receive copies of child records.
  - a. Information regarding other individuals contained within a child's records will be excluded from any records provided.
  - b. If instructed by the Department of Health and Human Services (DHHS), information regarding child protective reports will be excluded from any records provided.
  - c. When a parent wishes to receive a copy of a document previously provided by C&FS (ex: screening results), a verbal request should be made to the Teacher or Family Services Coordinator.
  - d. If a parent wishes to review or receive copies of child's record in sections or in its entirety, a written request must be submitted to C&FS staff.
  - e. Staff who receive written requests will consult with a Program Director and provide records within two weeks whenever possible, but no later than 45 days after the request.
3. Parent grievances will be handled in a positive manner.
  - a. Please refer to KVCAP's C&FS Grievance Policy and Process For Parents/Guardians.
  - b. If a parent has requested a change to their child's records and the change is denied, when appropriate under FERPA regulations, the parent may request a hearing be conducted by any individual including an official of the education agency or institution, who does not have direct interest in the outcomes of the hearing. If it is determined from evidence presented that information in the child records is accurate, does not mislead, or otherwise does not violate the child's privacy, the parent will be informed of the right to place a statement in the child's records that either comments on the contested information or that states why the parent disagrees with the arbitrator's decision, or both. A parent has the right to file a complaint to the U.S. Department of Education regarding compliance concerns with FERPA.
4. A parent has the right to inspect written agreements with third parties.

### **Staff Expectations**

- All C&FS staff, volunteers, and consultants shall be made aware of this policy.
- Supervisors shall ensure that new employees, volunteers, consultants, partners, and support staff review this policy no later than during the first day they are on site.
- Annually, all C&FS employees and volunteers will be required to sign the C&FS Code of Conduct which includes agreement to maintain confidentiality.
- Staff may generally display identifiable information with relevant purpose, which includes: student names, photos, and birthdates (ex: class photos; birthday bulletin board).
- Any breach of confidentiality will be addressed by the individual's supervisor, and may result in disciplinary action.
- Staff will review this policy and the Family Handbook with all enrolling families.

### **Disclosures with Parental Consent**

With the exceptions related to disclosures specified in sections below, written parental permission is required prior to disclosure of or requests for information and records.

- Parents must complete a C&FS Consent for the Release of Confidential Information (Child or Family) or C&FS must receive a copy of a third party release that includes:
  - The records that may be disclosed.
  - The purpose of disclosure.
  - Parent signature and date.
- Granting consent for disclosures is voluntary and parents may revoke consent at any time.

### **Disclosures without Parental Consent but with Parental Notice and Opportunity to Refuse**

C&FS partners with public schools to deliver services in some program options. Due to the nature of collaborative relationships with those public schools, contents of a child's records (ex: screenings, assessment data) are generally considered part of a child's public school record at the time of enrollment.

In the event that a child enrolls into another early education program or school district, C&FS reserves the right to disclose PII from child's record related to enrollment or transfer to program/school officials without parental consent if the following steps occur:

- Parent notification of the disclosure in advance.
- Copies of PII to be shared with parent upon request.
- Opportunity for parent to refuse disclosure.

### **Disclosures without Parental Consent**

The following circumstances are "exempt" from the requirement of receiving written informed consent:

- Information will be shared on a "need to know basis" among C&FS staff and contracted providers as it relates to client services and oversight of program records.
- Agency, State, and Federal auditors and monitors shall have access to all records upon request.
- Information may be shared through the parameters of a written agreement for the purpose of State or Federal research studies to improve child and family outcomes.
- Information will be shared with appropriate parties to address a disaster, health or safety emergency, or a serious health and safety risk as needed to protect the health and safety of all individuals.
- Information will be released to comply with court orders and subpoenas.
  - Staff will make reasonable efforts to notify parent of such disclosures in advance unless prohibited by court order.
- Reports will be made to DHHS per Mandated Reporting and Institutional Abuse requirements.
- Communication will occur with appropriate DHHS Child Welfare personnel without specific consent when DHHS has assumed guardianship for the child or essential information is required to assure the child's safety.

### **Protection of Information**

- Discussions regarding children, families, or others that include confidential information shall only occur with those authorized to receive the information, and shall be held in areas protected from others. No conversations are to be held in public areas.
- All information and documentation shall be protected.
- Printed documentation will be stored in locked areas.
- Information transported from location to location shall be kept in locked vehicles during transport, and shall not remain in vehicles for any longer than necessary.
- Electronic information will be password protected.
- Electronic data systems will comply with current industry security standards.
- Phone messages to clients will not contain confidential or disclosing information.
- Encryption software will be used to send confidential email.
- Language will be included in MOUs and Contracts indicating that representatives of the collaborative partner/contractor will behave in a manner consistent with this Policy as applicable, and a copy of this document will then be attached to the MOU/Contract.
- The duration of records maintenance will align with related agency and funding guidelines.
- Additional expectations detailed in the Technology Policy.