
DCSE Policy & Procedures Unit
Policy Update
PPU 06-10-011
October 26, 2006

SUBJECT: Division Confidentiality Policy (2006)

Please contact the Policy Unit if you have any questions regarding these or any other changes at *DCSE-POLICYQUESTIONS or (602) 274-7951.

*The IV-D PARTNERS should send POLICY inquiries directly to *DCSE-POLICYQUESTIONS@azdes.gov*

This PPU is being sent to all IV-D staff as a reminder of the Division's Confidentiality Policy.

This policy can be found within the DCSE Online Policy and Procedures Manual (OPPM) by clicking on the following link: <http://dcsepc>

Confidentiality Policy

Employees of the department and its agents shall keep private and shall not publicize or discuss information related to case activities or actions prescribed under state and federal law, rules and regulations. This includes all information provided by locate sources, interfaces, information from parties related to the case, work product and attorney client privileged information (unless waived by the Director).

- A. The use or disclosure of information concerning parties involved in a IV-D case is limited to purposes directly connected with the administration of the IV-D program or as otherwise authorized by state or federal law.
- B. An employee of the department or its agents shall not disclose to any committee or legislative body (Federal, State, or Local), any information that identifies by name or address any IV-D case participant.
- C. An employee of the department or its agents who discloses any information without authorization shall be subject to disciplinary action and civil penalties in accordance with State and Federal law and may be subject to criminal penalties.
- D. An employee of the department or its agents, who requests or obtains information for purposes other than those prescribed to be performed or related to IV-D case management activities shall be subject to disciplinary action and civil penalties in accordance with State and Federal law and, may be subject to criminal penalties.
- E. All personally identifiable and/or financial information concerning any applicant, claimant, recipient, employer or concerning any person involved in a DES case is confidential and shall not be released unless ordered by a superior court judge or provided for by rule of court, except in the performance of duties as authorized by state or federal law.
- F. Employees may release certain information to the obligee/obligor or their attorney, applicant/claimant/recipient regarding his/her own case, if a request is

made in writing. The information requested must be related to that case. The requester of the information must be the source of the information or as defined in Policy under **Power of Attorney**.

- G. Employees may verify posting information related to a payment amount and date concerning a payment and its related receipts to an employer, provided the employer is the source of the payment in question.
- H. Employees may release information, if necessary, to facilitate claims on behalf of a child for health insurance or medical assistance to which the applicant or child may be entitled, if the request is made in writing and the requesting party is determined eligible to receive such information, and if authorized by the custodial person.
- I. Employees may release oral and written information/communication involving the provision of services or the referral to services between employees of or persons under contract with the Department of Economic Security in accordance with this policy.
- J. Employees may release information if the disclosure of otherwise confidential information is necessary to protect against a clear and substantial risk of imminent serious injury to the custodial person or child. Employees shall consult with their supervisor prior to releasing such information.
- K. Consumer credit reports shall be kept confidential. Consumer credit reports shall be used solely for the purpose of establishing an individual's capacity and/or ability to make child support payments or determining the appropriate level of payments in a stipulation conference relating to support or in a court or agency matter relating to support. A consumer credit report shall not be requested in any case until paternity has been established as defined in Policy under **Permissible Use of Consumer Credit Reports**.
- L. Information may be released to IV-E Foster Care and persons certified to facilitate placement or adoption of a child if such information is pertinent to the placement or adoption.
- M. Information may be released to an officer of the Superior Court whom DES requires to perform an investigation related to adoption as prescribed in A.R.S. § 8-105, if information is pertinent to the investigation. All information may be disclosed to the court but shall otherwise be confidential.
- N. Information may be released to an officer of the Superior Court involving an adult protective services client if authorized by DCSE Management and the information is pertinent to the proceedings.

Civil Damages for Unauthorized Disclosure of Financial Information

An employee of the department or its agents who knowingly, or by reason of negligence, discloses a financial record of an individual obtained from financial

information data match in violation of safeguarding information may be held liable in civil lawsuit for damages for unauthorized disclosure of such information.

- A. An employee of the department or its agent who is found responsible in an action for civil damages for unauthorized disclosure of information is personally liable to the plaintiff bringing the action.
- B. Civil damages may be in the amount equal to the sum of \$1,000 for each act of unauthorized disclosure of a financial record, plus actual damages sustained by the plaintiff as a result of such unauthorized disclosure.
- C. If an employee is found liable for willful disclosure or disclosure which is the result of gross negligence, the employee may be liable for punitive damages plus the cost of court action, including attorney's fees in the case.