

Section 5 – Confidentiality

Guidance

Staff are responsible for ensuring the confidentiality of any information received about a consumer of the agency, including whether or not an individual is registered with BRS. The case file should be considered as the consumer's file. The consumer has a right to examine any information that is obtained about him/her, unless there is danger of harm to the consumer or the third party who provided the information prohibits release.

Legal Requirements

- A. All information pertaining to a consumer must be kept confidential. Information concerning the individual may not be released without the individual's written consent.

In other situations where staff believe information must be released without the consumer's signed consent to protect the safety of the consumer or others, the case should be discussed with the BRS Director or Bureau Chief, and the decision to release made at that level.

Staff should consult with appropriate Central Office staff concerning release of information when a subpoena is received.

- B. Consumers and, as appropriate, their *representatives**, service providers, cooperating agencies and interested persons must be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.
- C. All consumers or their representatives must be informed about BRS's need to collect personal information and policies governing its use, including:
1. An explanation of the principal purposes for which BRS intends to use or release the information;
 2. An explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;

3. Identification of those situations where BRS does not require informed written consent before information is released (such as paragraph J, below); and
 4. Identification of other agencies to which information is routinely released.
- D. All personal information in BRS's possession concerning a consumer must only be used for purposes directly connected with the administration of the vocational rehabilitation program.
- E. Information in a consumer's record must be made accessible to the individual, except as noted in paragraphs (F) and (I) below. If requested by the consumer, the information must be released to him/her (or his/her *representative**, at the consumer's request, with a signed release) in a timely manner.
- F. Medical, psychological or other information that BRS determines may be harmful to the individual may not be released directly to the individual, but must be provided through a third party chosen by the consumer, such as an advocate, medical or mental health professional, unless a representative has been appointed by a court. If the consumer does have a court-appointed representative, that representative is the person to whom the information would be released.
- G. With written consent from the consumer, personal information may be released to another agency or organization, for its program purposes only. This information may only be released to the extent that it may be released to the consumer or his/her *representative**, and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.
- H. If records to be released are related to psychiatric, psychological, alcohol/substance abuse or HIV/AIDS issues, the consumer must specifically permit release of this type of information in a signed consent form. In addition, the following statements must be attached to the information, as applicable:
1. Records related to HIV/AIDS must be accompanied by the following statement:

"This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
 2. Records related to psychological or psychiatric information must be accompanied by the following statement:

"The confidentiality of this record is required under chapter 899 of the Connecticut general statutes. This material shall not be transmitted to anyone without written consent or other authorization as provided in the aforementioned statutes."

3. Records related to drug or alcohol abuse diagnosis, prognosis or treatment must be accompanied by the following statement:

"This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient."

Staff may attach a properly signed BRS disclosure form to comply with the above requirements.

- I. If personal information has been obtained from a third party, it may be released only by, or under the conditions established by, that third party.

The Attorney General's office has interpreted this to mean that BRS can redisclose third party information, provided redisclosure does not violate conditions set by the third party and the consumer gives his/her written consent.