



MISSOURI DEPARTMENT OF SOCIAL SERVICES
DIVISION OF FAMILY SERVICES
CONFIDENTIALITY AGREEMENT

All persons using or inquiring the Division of Family Services FAMIS must read and sign this confidentiality agreement that describes the many state and federal laws and regulations that safeguard our client information. The specific laws governing the use of the information received are below. Laws apply regardless of how we receive the information, i.e. from the client themselves, from a collateral, a document or a computer match, etc. Responsible handling of information dictates not only "what" is shared and "to whom" but also "where". Do not share information about clients over lunch, coffee breaks, in halls or elevators where others may overhear names or identifying information. Remember each individual contributes to the collective professional reputation of an agency.

You may be reprimanded, with a copy in your permanent file, suspended without pay or fired for violating these confidentiality laws and regulations. Violation of some of the laws may result in misdemeanor or felony prosecution with penalties established by law upon conviction. If you have any questions ask your supervisor for further information and clarification. You are given a copy of this confidentiality agreement to keep in your permanent records. We recommend you read through the agreement periodically to keep it fresh in your mind.

I have read and understand the following confidentiality laws. By signing this document I understand the penalties for violating the confidentiality of DFS clients or other agency's information.

NAME PRINTED	SIGNATURE	SSN	DATE
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Temporary Assistance for Needy Families and Medicaid

Temporary Assistance for Needy Families, Cash Programs & Medicaid - Missouri Revised State Statute 208.120.1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers, and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount received or to be received by any recipient, is called into question, or for the purposes directly connected with the administration of public assistance. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications, and their contents shall be confidential and not admissible in evidence. 2....3. It shall be unlawful for any person, association, firm, corporation or other agency to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature; or for any name or list of names of recipients secured from such report in the county welfare office to be published in any manner. Anyone willfully or knowingly violating any provisions of this section shall be guilty of a misdemeanor. If the violation is by other than an individual, the penalty may be adjudged against any officer, agent, employee, servant or other person of the association, firm, corporation or other agency who committed or participated in such violation and is found guilty.

Temporary Assistance for Needy Families - Code of Federal Regulations (CFR) 45 § 250.50 (a) (1) (v) State Plan Requirements. The State or local agency responsible for the administration of the State plan has authority to disclose the current address of a recipient to a State or local law enforcement officer at his or her request. Such information is disclosed only to law enforcement officers who provide the name and Social Security number of the recipient and satisfactorily demonstrate that: (A) the recipient is a fugitive felon....(B) The location or apprehension of such felon is within the law officer's official duties; and (C) The request is made in the proper exercise of those duties.

(2) The agency will have clearly defined criteria which govern the types of information that are safeguarded and the conditions under which such information may be released or used...(i) types of information to be safeguarded include but are not limited to: (A) The names and addresses of particular individual ...; (C) Agency evaluation of information about a particular individual; (D) Medical data
(ii) The release or use of information concerning individuals applying for or concerning individuals applying for a receiving financial assistance is restricted to persons or agency representatives who are subject to standards of confidentiality which are comparable to those of the agency administering the financial assistance programs.

Medicaid CFR 42 Subpart F § 431.306 and § 431.307 (a) The agency must have criteria specifying the conditions for release and use of information about applicants and recipients. (b) Access to information concerning applicants or recipients must be restricted to persons or agency representatives who are subject to standards of confidentiality that are comparable to those of the agency (c) The agency must not publish names of applicants or recipients (d) The agency must obtain permission from a family or individual, ...before responding to a request for information from an outside source...431.307 (a) All materials distributed to applicants, recipients, or medical providers must (1) Directly relate to the administration of the Medicaid program...

Food Stamps

Part 272.1 (c)(1)(i) through (3) Disclosures. (1) Use or disclosure of information obtained from food stamp applicant or recipient households shall be restricted to: (i) Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, other Federal assistance programs, federally-assisted State programs providing assistance on a means-tested basis to low income individuals, or general assistance programs which are subject to the joint processing requirements...(ii)...(iii) Persons directly connected with the verification of immigration status of aliens applying for food stamp benefits through .. SAVE programs to the extent, the information is necessary to identify the individual for verification purposes. (iv) Persons directly connected with the administration of the Child Support Program under Part D, Title IV of the Social Security Act in order to assist in the administration of that program....(v) Employees of the Comptroller General's Office of the US for audit examination authorized by any other provision of law and (vi) Local, State or Federal law enforcement officials, upon their written request for the purpose of investigation an alleged violation of the Food Stamp Act or regulation. The written request shall include the identity of the individual requesting the information and his authority to do so, violation being investigated and the identity of the person on whom the information is requested....

(3) If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting on its behalf to review material and information contained in its casefile, the material and information contained in the casefile shall be made available for inspection during normal business hours....

Internal Revenue Service -- A computer match is completed with the IRS for unearned income information. Information displayed on a computer screen received from the match or any form/notice produced as a result of the match are included in the following Internal Revenue Code (IRC) and the 1997 Taxpayer Browsing Protection Act.

IRC Section 7213 (a) states the unauthorized disclosure of Federal tax return information is a felony punishable by a \$5000 fine, up to five years imprisonment or both, together with the costs of prosecution.

IRC Section 7431 permits a taxpayer to bring suit against individual staff for civil and punitive damage in U.S. District Court for willful disclosure or gross negligence for unauthorized disclosures even after DFS employment terminates.

IRC Section 6103 prohibits a person from willfully disclosing any return information except as authorized by Title 26 or the United States Code

The 1997 Taxpayer Browsing Protection Act provides a penalty for the willful, unauthorized access or inspection of federal tax information, both electronic and paper formats. Upon conviction, the criminal misdemeanor penalty is a fine of up to \$1000 and/or imprisonment up to one year. Civil damages for each finding of liability are up to \$1000 or actual damages whichever is greater. If gross negligence or willful unauthorized inspection or disclosure, punitive damages may be assessed.

IRC Section 2651 requires that Social Security information from computer matches be treated the same as IRS data (26 U.S.C. 6103)

Unemployment Insurance and Wage information used by States -- Information received from the computer match with the Division of Employment Security files may only be used to administer DFS programs and may not be shared with other persons. You may not access the information of any person not requesting benefits from a DFS program or other clients that are not assigned to your workload, including your own information.

20 CFR 603.7 Protection of confidentiality. (a) State unemployment compensation agencies shall require requesting agencies receiving information under this part to comply with the following measures to protect the confidentiality of the information against unauthorized access or disclosure: (1) The information shall be used only to the extent necessary to assist in the valid administrative needs of the program receiving such information and shall be disclosed only for these purposes as defined in this agreement: (2) ... (3) The information shall be stored in a place physically secure from access by unauthorized persons; (4) Information in electronic format, ..., shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal or other means; (5) Precautions shall be taken to ensure that only authorized personnel are given access to on-line files; (6) (l) The requesting agency shall instruct all personnel with access to the information regarding the confidential nature of the information, the requirements of this part, and the sanctions specified in State unemployment compensation laws against unauthorized disclosure of information covered by this part, and any other relevant state statutes, and ...

(b) Any requesting agency is authorized to redisclose the information only as follows: (1) Any wage or claim information may be given to the individual who is the subject of the information; (2) Information about an individual may be given to an attorney or other duly authorized agent representing the individual if the individual has given written consent and the information is needed in connection with a claim for benefits against the requesting agency (3) Any wage or claim information may be given to another requesting agency as defined in this part or to any criminal or civil prosecuting authorities acting for or on behalf of the requesting agency...

Division of Child Support Enforcement

CRF 45 Ch.III § 303.21 (a) (1) thru (3) and (b) Safeguarding information. (a) Under State statute which imposes legal sanctions, the use or disclosure of information concerning applicants or recipients of support enforcement services is limited to purposes directly connected with: (1) The administration of the plan or program approved under parts A, B, D, E or R of title IV or under titles I, X, XIV, XIX or XX or supplemental security income program established under title XVI; (2) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of any such plan or program; (3) The administration of any other Federal or Federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need: ... (b) These safeguards shall also prohibit disclosures to any committee or legislative body (Federal, State, or local) of any information that identifies by name or address any such applicant or recipient.

Missouri State Children's Services Law

State Statute 210.150 Confidentiality of reports and records, exceptions-violations, penalty. 1. The division of family services shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, To protect the rights of the family and the child named in the report as a victim, the Division of Family Services shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. 3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach: (1) Appropriate staff of the division..... 5. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the nature of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

Department of Mental Health

State Statute 630.140 Records confidential, when may be disclosed, to whom, how, when-release to be documented . . 1. Information and records compiled, obtained, prepared or maintained by the residential facility or day program operated, funded or licensed by the department or otherwise in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential. 2 ...3. The facilities or services may disclose information and records under any of the following: (1) As authorized by the patient, resident or client; (2) To persons or agencies responsible for providing health care services to such patients, residents or clients; (3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance; ... 4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.5 ...

Social Security Administration

Social Security Act Section 1137 (1) Data provided by SSA shall not be redisclosed or used for any purpose other than to determine eligibility for, or the amount of, benefits under a State-administered health/income maintenance program required by law. Such state administered programs must be described in statements of routine use published by SSA in the Federal Register or otherwise specifically approved by SSA. The State Agency may, however, disclose the information provided with the consent of the subject individual as provided in the BENDEX handbook. (2) ... (3) That files provided by SSA, and the information contained therein, will not be duplicated or disseminated within or outside the State Agency without the written approval of SSA.

NAME PRINTED

SIGNATURE

SSN

DATE