Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

February 10, 2012

GENERAL LETTER NO. 9-A-15

ISSUED BY: Bureau of Collections, Division of Field Operations

SUBJECT: Employees' Manual, Title 9, Chapter A, ***GENERAL PROGRAM INFORMATION***, Title page, revised; Contents (pages 1, 2, and 3), revised; Contents (page 4), new; pages 1, 2, 3, 8, and 9, revised; and pages 8a through 8d, new.

Summary

Chapter 9-A is revised to comprehensively cite all employees that are covered by the Bureau's confidentiality policy. The "Worker or Relative is a Party to a Case" section is renamed and is revised to clarify procedures for when an employee has:

- A case,
- A valid release of information (ROI) from a case party,
- A relative who is a case party, or
- A personal connection to a case.

The policy now includes a definition and examples of a relative and of a personal connection. The policy also explains where a case file should be housed when an employee has:

- A case,
- A valid release of information (ROI) from a case party,
- A relative who is a case party, or
- A personal connection to a case.

Effective Date

Immediately.

Material Superseded

This material replaces the following page from Employees' Manual, Title 9, Chapter A:

Page	Date
Title page	December 10, 2002
Contents (pages 1 and 2)	December 10, 2002
Contents (page 3)	February 10, 2006
1	February 10, 2006
2, 3, 8, 9	December 10, 2002

Additional Information

Refer questions about this general letter to your regional collections administrator.

Revised February 10, 2012

Employees' Manual
Title 9
Chapter A

GENERAL PROGRAM INFORMATION

Iowa Department
of Human Services

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CONFIDENTIALITY OF CHILD SUPPORT INFORMATION

This chapter defines confidential child support information and discusses when information can and cannot be given out. It also explains procedures for keeping confidential information secure. The policies explained in this chapter are based on the interpretation of federal regulations, state statutes, and state administrative rules.

The American Heritage Dictionary defines *confidential* as "entrusted with the confidence of another." You are entrusted to keep all case information confidential. Confidentiality requires responsible handling of information. It dictates how information is safeguarded, what information may be given out, and to whom that information may be given.

All state, county and contract personnel are covered by the Bureau's confidentiality policy. All staff share both professional and legal responsibility for safeguarding the confidential information under the Bureau's control and to which employees have access. This includes employees in the following units or positions:

- Child Support Recovery Unit (CSRU)
- Foster Care Recovery Unit (FCRU)
- Employers Partnering in Child Support Unit (EPICS)
- Collection Services Center (CSC)
- Division of Data Management (DDM)
- CSRU attorney
- CSRU vendor
- CSRU contractor

NOTE: For the purposes of the **CONFIDENTIALITY OF CHILD SUPPORT INFORMATION** section, all of the contractors, vendors, or government employees listed are referred to as "employee." Use of the word "employee" is for brevity only and should not be interpreted as attributing employee status to contractors or vendors.

When you become an employee in one of these units, and once a year after that, you sign form 470-3581, *Bureau of Collections Confidentiality Statement*. This statement gives you notice of your responsibilities for safeguarding information and the penalties for breaching confidentiality. By signing the statement, you state that you are aware of your legal duty to maintain the confidentiality of all child support records in your possession and the information in them.

Violation of this legal duty:

- Results in:
  - The immediate removal of access to confidential records or
  - Suspension from work without pay.
- May result in dismissal.
- Is a serious misdemeanor and could result in criminal prosecution. The violator may be subject to a fine of up to $200, or up to 60 days imprisonment, or both.

If you have additional questions about keeping child support records confidential which are not answered by this chapter, contact your supervisor or regional collections administrator (RCA).

The following sections address:

- Confidentiality of child support information
- Office security procedures
- Confidentiality safeguards when processing cases

General Confidentiality Requirements

Legal reference: Iowa Code sections 22.7, 252B.9, and 217.30
441 IAC 9.9(17A, 22)

Under Iowa law, the public has a right to examine and copy all public records. All records and documents belonging to the Department of Human Services are public records.

However, public records may be made confidential by other sections of the Iowa Code that expressly limits the public's access to those records. Most records concerning child support and foster care are expressly exempted from the public's right to examine Department of Human Services records.

However, information that gives general statistics about child support collections but does not give individual case information is always public information and may be released.

NOTE: Court files are public records.

The following sections explain confidentiality requirements related to:

- Information about the obligee
- Information about the obligor
- Payment records

- Information kept confidential from the subject of a record
- Information from a private source
- Information defined as attorney work product

Information About the Obligee

The law requires that information about anyone applying for or receiving assistance from the Bureau of Collections be released only for purposes connected with:

- Child support,
- Visitation,
- Custody,
- The administration of welfare services,
- Criminal prosecutions, or
- Federally assisted programs that provide assistance directly to customers.

The law lists the following information, which must be kept confidential about anyone receiving services or assistance from the Department of Human Services:

- The type and amount of assistance provided.
- The recipient's social or economic circumstances.
- The recipient's medical or psychiatric condition or history.

Information About the Obligor

Legal reference: 42 USC sections 654A, 654(26)
Iowa Code section 252B.9

Personal information about the obligor is also confidential. Specific exceptions to the confidentiality of obligor information for the purposes of location, establishment, and enforcement are explained later in this chapter. If you have a question about whether to release information about the obligor that is not covered in this manual, contact your supervisor or regional collections administrator.

An obligor's payment record is a public record and is not confidential information. This information is open to public examination. (See Payment Records for more information.)

Your user ID is also unique to you. Never give out your user ID except to the help desk.

Refer to the Iowa Department of Human Services ***Employee Handbook*** for the current policies on Internet, Intranet, and e-mail usage.

Use of Automated Databases

As noted under Agreements to Share Information Between Agencies, the Department has agreements for receiving information from other agencies. This information is used to carry out CSRU functions of location of parties and establishment and enforcement of support orders.

Your access to information in these databases is for the sole purpose of performing casework activities on the cases for which you are responsible. **Do not** access any information from these databases without a specific work-related reason for your inquiry.

Discussing Cases

Discuss cases only with co-workers in the office and only for the purpose of work. When discussing a case with a co-worker, take care that no unauthorized person can overhear your conversation. Discussing cases in a non-work setting, especially in a public setting where such conversations can be easily overheard, is not allowed.

Under no circumstances are you allowed to ask another employee who works in your office about your own case or the case of a party who gave you a valid release of information (ROI). You are permitted to make contacts about these cases to the local office handling the case during CSRU business hours, but not during your own work time.

Connection to Cases Policy

The following policy is intended to explain how security provisions for confidentiality of CSRU case records are applied when you:

- Are a case party.
- Have a valid release of information (ROI) from a case party.

- Are a relative of a case party as described in this manual chapter. For the purpose of this policy, see Relative for the definition of a relative.
- Have a personal connection to a case, as described in this manual chapter. For the purpose of this policy, see Personal Connection for the definition of a personal connection.
- Have any of the above connections with someone who has a non IV-D case. For the purpose of this policy, see Non IV-D Cases for the definition of a non IV-D case.

When you become an employee and once a year after that, you are required to sign the "Connection to Cases Policy Acknowledgement" statement which acknowledges you have read the policy statement and the Connection to Cases Policy section of this manual chapter. When signed, a copy of the "Connection to Cases Policy Acknowledgement" statement is placed in your official personnel file.

Do not access your own case, a case where you have a valid ROI from a case party, a relative's case, or a case where you have a personal connection to a case. For the purpose of this policy, the word "access" includes, but is not limited to, viewing any:

- ICAR records.
- Paper, imaged, or electronic case file documents.
- Databases or other computer systems available to CSRU.

You must adhere to the Connection to Cases Policy regardless of your job classification, assigned job duties, case file location, or your work location. For the purpose of this policy, see CONFIDENTIALITY OF CHILD SUPPORT INFORMATION, for the complete list of who must adhere to the policy.

Employee

Do not search ICAR or other sources available to CSRU to determine whether CSRU has your case records or records for any case in which you have a valid ROI. Any inquiry you have about your own case or a case in which you have a valid ROI must be made verbally or in writing to the local office handling the case.

Under no circumstances are you allowed to ask another employee who works in your office about your case or a case in which you have a valid ROI. You are permitted to make contacts about these cases to the local office handling the case during CSRU business hours, but not during your work time.

For both IV-D and non IV-D cases, if you are a case party or you have a valid ROI from a case party, you have no more access to case information than any other member of the public. As soon as you become aware that you are a case party or have a valid ROI from a case party, you must **email** the information to your supervisor immediately.

You have a case with CSRU. You are filing your taxes and want to know your balance and want a certified payment record. You comply with the mandatory **connection to cases policy** when you:

- Previously **emailed** your supervisor letting your supervisor know you have a case,
- Do not access any CSRU records or databases to answer your question,
- Do not ask an employee in your office to look up your balance or print you a certified payment record, and
- Call the office handling your case during your lunch break requesting your balance and a certified payment record.

Relative

For the purpose of this policy, your relatives are your:

- Aunt
- Brother
- Brother-in-law
- Child
- Daughter-in-law
- Ex-husband
- Ex-wife
- Father-in-law
- First cousin
- Foster brother
- Foster child
- Foster parent
- Foster sister
- Grandchild
- Grandparent
- Legal ward
- Mother-in-law
- Nephew
- Niece
- Parent
- Sister
- Sister-in-law
- Son-in-law
- Spouse
- Stepbrother
- Stepchild
- Stepparent
- Stepsister
- Uncle
- Corresponding relatives of your current spouse

Do not search ICAR or other sources available to CSRU to determine whether CSRU has case records for your relative. Regardless of where the case is located, you must not access your relative's case.

For both IV-D and non IV-D cases, if you are a relative of a case party you have no more access to case information than any other member of the public. For the purpose of this policy, see Non IV-D Cases for the definition of a non IV-D case. As soon as you become aware you are a relative of a party who has a case with CSRU, you must **email** the information to your supervisor immediately.

> You are not aware your nephew has a case worked by your office. Your nephew calls your office's customer service number today with a question about his case. You answer the phone and recognize you are speaking with your nephew. You comply with the mandatory **connection to cases policy** when you:
>
> - Do not access any CSRU records or databases,
> - Do not answer your nephew's question,
> - Transfer the call to another employee, and
> - Immediately **email** your supervisor as directed by the connection to cases policy letting your supervisor know one of your relatives has a case.

Personal Connection

For the purpose of this policy, you have a personal connection to a case if a case party or the children on a case are not your relative, as defined in this manual chapter, but are people who could be seen as gaining special attention if you view case records or work the case.

For the purpose of this policy, see Relative for the definition of a relative. Examples of an employee's personal connections include, but are not limited to:

- A neighbor
- A friend
- A daycare provider
- Someone who lives with you
- A relative of your ex-spouse
- Someone who has given a valid ROI to your relative
- Someone you spend time socializing with, such as someone you meet for recreational sports activities or for dining out

Do not search ICAR or other sources available to CSRU to determine whether CSRU has case records for someone with whom you have a personal connection. Regardless of where the case is located, you must not access a case in which you have a personal connection.

For both IV-D and non IV-D cases, if you have a personal connection to a case you have no more access to case information than any other member of the public. For the purpose of this policy, see Non IV-D Cases for the definition of a non IV-D case.

As soon as you become aware you have a personal connection to a case with CSRU, you must **email** the information to your supervisor immediately.

> You are not aware that your daycare provider has a case worked by your office. Your daycare provider comes into your office today with a question about her case. You are at the front desk and greet your daycare provider. You comply with the mandatory **connection to cases policy** when you:
>
> - Do not access any CSRU records or databases,
> - Do not answer your daycare provider's questions,
> - Ask for another employee to assist your daycare provider, and
> - Immediately **email** your supervisor as directed in the connection to cases policy letting your supervisor know you have a personal connection to a case.

Non IV-D Cases

For the purpose of this policy, a "non IV-D case" is a set of ICAR records for orders where support payments are processed by CSC, but CSRU does not enforce the support obligation.

No employee is authorized to access non IV-D case records unless the employee has a work-related reason to do so. Therefore, an employee is not authorized to access case records for any non IV-D case if the employee is a case party, has a valid ROI from a case party, is a relative of a case party, or has a personal connection to a case.

Case Transfer

If you are a case party, have a valid ROI from a case party, are a relative of a case party, or live with a case party or the children on a case, your support recovery supervisor directs the transfer of the case to another office. Each office has a partner office for sharing these cases. However, the regional administrator may designate a different office if the case situation warrants.

The receiving support recovery supervisor determines when it is appropriate to assign the case to a support recovery officer in the receiving CSRU office when you:

- Are a case party.
- Live with a case party or the children on a case.
- Have a valid ROI from a case party.
- Are a relative of a case party. For the purposes of this policy, see Relative for the definition of a relative.

If you have a personal connection to a case, your support recovery supervisor or regional administrator may assign the case to another office or a different worker in your office.

EXCEPTION: Your support recovery supervisor directs the transfer of the case to another office if the person with whom you have the personal connection lives with you. For the purpose of this policy, see Personal Connection for the definition of a personal connection.

NOTE: The regional administrator may require a case to be assigned to the support recovery supervisor if the case situation warrants.