

NEIGHBORIMPACT HEAD START & EARLY HEAD START

Policy & Procedure

Policy #: HS-94

Title: Confidentiality Policy and Procedure for Staff and Policy Council

Section:

Original Approval Date: 12/12/2024

Most Recent Amendment:

Most Recent Board Review: 12/12/2024

PC Approval Date: 9/19/2024

Forms Required: Employee Declaration of Confidentiality

Performance Standards:

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Policy: All client records are confidential material and will not be shared with outside agencies or individuals without consent. Exceptions to this policy are records that require disclosure as required by mandatory child abuse and neglect reporting laws; subpoenas issued by a court of competent jurisdiction and any case in which the Federal, State or local laws requires disclosure.

Maintaining this confidentiality is important to the success of the agency's mission, our reputation in the community and the privacy of the individuals and families we serve. Employees are required to protect this information by safeguarding it when in use, filing it properly when not in use, and discussing it only with those who have a legitimate need to know.

Procedure:

Confidentiality of Information

- A. The fact that a family/individual/household or child is being served by NeighborImpact is confidential information. Each employee is responsible for assuring the confidentiality and security of information received and of the material contained in each client's file.
- B. Records and information may be shared with appropriate staff on a need to know basis. Any discussions of a confidential nature will be conducted in a private area. A signed Internal Authorization to Release Form must be used for shared case managed clients (ie. across more than one NeighborImpact program.)
- C. All client records are confidential and are kept in a password protected data management system and/or locked file cabinets. Client records and other client information stored on computers, laptops and removable media (data sticks, cd's etc.) will be kept secure with password protection. Removable media that cannot be secured will not contain confidential client information.
- D. All records shall be open to any and all federal, state and sub-grantee auditors and/or examiners in the course of their regular audits.
- E. Information about a family or child may not be released to a lawyer or law enforcement personnel unless a subpoena directs the agency to provide this information. For Head Start & Early Head Start- All Subpoenas requests must go to the Site Lead who will notify the Family Services Manager. The Site Lead will work with staff to collect requested information as stated in the Subpoena. Site Lead sends the completed form, a copy of the records released and a copy of the subpoena to the Family Services Manager.

Release of Child and Family Information

Information may be released in the following situations:

- A. **Information that has been requested through a subpoena. Information about a family or child may not be released to a lawyer or law enforcement personnel unless a subpoena directs the agency to provide this information.**
- B. If a mandatory reporter suspects child abuse, he/she is required to make a report as soon as possible. Information that will be asked for when making a report includes: the names and addresses of the child and parent; the child's age and birth date; the type and extent of abuse, as well as any previous evidence of abuse; the explanation given for the abuse; and any other information which will help establish the cause of abuse or identify the abuser. (Please refer to program policies as applicable.)
- C. Court Appointed Special Advocate (CASA) Pursuant to ORS 419B.112, upon presentation of the Court Appointed Special Advocate (CASA), and agency, hospital, school organization, division or department of state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department or Mental Health Clinic shall permit the CASA to inspect and copy, and may consult with the court appointed Special Advocate regarding any records relating to the child involved in the case, without the consent of the child or parents, including access to protected health information.
- D. (Subject to ORS 339.260, the former educational agency all students must transfer requested educational records to the new educational agency no later than 10 days after receiving the request. Education files transferred to the new educational agency must include records of education the student in particular retained by an education service district).
- E. A staff member may release specific information about a client only with written permission from the client (or parent/legal guardian for a child under 18). An **Authorization to Release Information** form must be signed by the client or legal guardian before information is released. A client may not verbally authorize the release of information to a third party. Staff members must verify the identity of a third party before releasing information to them.
- F. All information concerning a file or in Childplus must be requested in writing including the signature of the individual/parent requesting the information. Copies of the information will then be mailed; the information will not be given out over the phone. For Head Start & Early Head Start- All contact in Childplus are property of NeighborImpact. Any abuse, substance or drug allegation documented on an incident report must be removed from the file before the client views it. In the case of access to a child's file by a non-custodial parent, only the child's education information may be released. Adult/family information on the parent/foster parent (custodial parent) must be removed before the file is copied, printed or viewed.
- G. It is the responsibility of the parent who has sole custody to provide to staff a copy of any court order that curtails the rights of the non-custodial parent. This copy shall be provided when the child is first enrolled or at any other time such a court order is issued.
- H. Head Start & Early Head Start program only- Each staff member (excluding teacher advocates, assistant teachers, Head Start advocates, bus drivers, and center aides) who enters a child's file must sign the "Record of Access and Disclosure" form in the front of each child's file.
- I. NeighborImpact Head Start & Early Head Start encourages both parents to be involved in their children's school affairs and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of authority as it relates to:
1. Receiving and inspecting school records and consulting with school staff concerning the child's welfare and education, to the same extent

- as provided the parent having sole custody.
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the child if the custodial parent is, for practical reasons, unavailable.

Employee Confidentiality

It is critical that NeighborImpact staff are treated fairly, respectfully and have a safe, healthy work environment. Employee confidentiality is critical to this type of environment. All employee records such as employee data, SSN, payroll information, etc. are to be kept strictly confidential.

- A. Employee records, evaluations, etc. are to be kept in a locked file cabinet in the Human Resources office. Only people with a “need to know” are allowed to look at employee personnel files.
- B. The employee file is accessible only to the employee, employee's supervisor, manager, the Human Resources Specialist, Executive Director and the Executive Committee of the Board.
- C. Employees may examine their own personnel file at a mutually convenient time, upon request to Human Resources. Additionally, in accordance with the law, employees are entitled to a copy of their file upon request.
- D. Employee health records are kept in a separate filed locked in the Human Resource office.
- E. All records shall be open to any and all federal, state and sub grantee auditors and/or examiners in the course of their regular audits.
- F. Discussions of personnel decisions which require approval by Head Start & Early Head Start Policy Council will use employees’ names with discretion, and therefore only mention ancillary employees’ names *strictly on a need-to-know basis*. All Policy Council members must sign a “Policy Council Declaration of Confidentiality” prior to starting their term as a policy council member.
- G. Failure to adhere to any part of this confidentiality agreement can result in disciplinary action as per personnel policy procedures

Disposal of Records

- A. All confidential records that need to be disposed of will be placed in a locked shredding bin or immediately shredded.
- B. All media (tape and digital recordings, electronic records stored on disks, drives, portable devices etc) with confidential information will be erased or disposed of in the locking shredding bin if available.

Each employee must sign the Declaration of Confidentiality statement, at the time of hire, and return it to the Human Resource Department.

EMPLOYEE DECLARATION OF CONFIDENTIALITY

I have read and understand the Confidentiality policy of NeighborImpact and understand that violation of this policy may result in termination of employment.

Printed Name

Date

Signature

Date

Policy Council Representative Confidentiality

A. Policy Council Representatives are required to maintain confidentiality of all information discussed in an “executive session”, in personnel committee meetings and in employee interviews. (If a Policy Council representative is unsure if information shared at a regular meeting, or other times, is confidential it is their responsibility to ask for clarification from the Chair person of Policy Council or the Head Start Director.

B. During the first Policy Council meeting of each program year Policy Council Representatives are provided with an opportunity to read the NeighborImpact Confidentiality Policy and ask clarifying questions.

C. After reading the NeighborImpact Confidentiality Policy, Policy Council Representatives sign a “Declaration of Confidentiality statement” acknowledging their understanding of the confidentiality policy and that they may be terminated from service on the Policy Council if confidentiality is breached.

POLICY COUNCIL DECLARATION OF CONFIDENTIALITY

I have read and understand the confidentiality policy of NeighborImpact and know that violation of this policy may result in termination from the Policy Council.

Printed Name

Date

Signature

Date