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Regulation Package #0110-01

CDSS MANUAL LETTER NO. CFC-10-02

TO: HOLDERS OF THE CONFIDENTIALITY, FRAUD, CIVIL RIGHTS AND STATE HEARINGS MANUAL, DIVISION 19

**Regulation Package #0110-01**

**Effective 6/2/10**

**Sections 19-005**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG604.htm>

CalWORKs applicants and recipients are entitled to review information contained in their case files at any time. The title of the Manual of Policies and Procedures, Section 19-005.4 that addresses this right, currently states "Release of Information in Conjunction With a State Hearing" which implies that case file information can only be provided in the event of a state hearing. However, the regulation itself does not establish any limitation on an applicant/recipient's right to access the case information. To correct this inaccuracy and to ensure consistency with Welfare and Institutions Code Sections 10850.2 and 11206, the title of this regulation section is being changed to "Access to Case Records."

Since this change had nonregulatory effect, a public hearing was not held.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Confidentiality, Fraud, Civil Rights, and State Hearings Manual changes was CFC-10-01.

Page(s)

Replace(s)

1 and 2  
13 and 14

Pages 1 and 2  
Pages 13 and 14

Attachments

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**CONFIDENTIALITY OF INFORMATION  
CONFIDENTIALITY OF RECORDS**

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**TABLE OF CONTENTS**

**CHAPTER 19-000 CONFIDENTIALITY OF RECORDS**

	<b>Section</b>
Confidentiality of Records - Objective and Scope.....	19-001
Information that Is Confidential.....	19-002
General .....	.1
Federal Tax Information .....	.2
Nonconfidential Information .....	19-003
Release of Confidential Information.....	19-004
General Rule.....	.1
Contractors .....	.2
Public Officials.....	.3
Exception to General Rule - Law Enforcement Officials .....	.4
Release of Confidential Information in Conjunction with a Lawsuit .....	.5
Release to Schools.....	.6
Disclosure to Parents Who Wish to Be Reunited with Their Family .....	.7
Release to Research Organizations .....	.8
Release to Applicant/Recipient or Authorized Representative .....	19-005
Information Supplied by the Applicant/Recipient .....	.1
Authorizations .....	.2
Applicant/Recipient Written Requests for Assistance to Legislators.....	.3
Access to Case Records.....	.4
Information Which May not Be Released to the Applicant/Recipient.....	19-006

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**CONFIDENTIALITY OF INFORMATION  
CONFIDENTIALITY OF RECORDS**

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**TABLE OF CONTENTS (Continued)**

**CHAPTER 19-000 CONFIDENTIALITY OF RECORDS**

	<b>Section</b>
Eligibility Determinations.....	19-007
Collateral Contacts in AFDC and APSB.....	.1
Title XX Services - Outside Contacts by Agencies Other than the County Welfare Department.....	.2
Record Keeping .....	19-008

**19-005**      **RELEASE TO APPLICANT/RECIPIENT OR AUTHORIZED REPRESENTATIVE** **19-005**

.1      Information Supplied By the Applicant/Recipient

Information relating to eligibility that was provided solely by the applicant/recipient contained in applications and other records made or kept by the county welfare department in connection with the administration of the public assistance program shall be open to inspection by the applicant/recipient or his/her authorized representative.

.2      Authorizations

For purposes of this section, an authorized representative is a person or group who has authorization from the applicant/recipient to act for him/her.

.21      Written Authorizations

Except, as otherwise provided, all authorizations are to be written.

Written authorizations shall be dated and shall expire one year from the date on which they are given unless they are expressly limited to a shorter period or revoked. In cases involving pending appeals or state hearings, the time period, unless the authorization is expressly limited or revoked, shall extend to the final disposition of the issue involved in the fair hearing or, where applicable, by the courts.

When the authorized representative and the applicant/recipient, or responsible relative caring for the CalWORKs child are both present, no written authorization is required for that particular occasion.

.22      Telephone Authorizations

Telephone authorizations may be accepted in lieu of a written authorization where the circumstances insure that the applicant or recipient has adequately identified himself or herself to the county. A telephone authorization is temporary and should be followed up by a written authorization.

Acceptable items of identification are to be determined by the county but may include such items as case numbers, driver's license numbers, social security account numbers or the mother's maiden name. The procedure for telephone authorizations will usually involve the applicant or recipient first calling their eligibility worker and notifying the worker of whom will be calling on their behalf. This call will authorize the release of confidential information. Examples of typical circumstances for releasing confidential information by telephone authorization include inquiries from medical offices, welfare rights organizations or legislators calling on behalf of the recipient.

NOTE: Authority cited: Sections 10063(b), 10053 and 10554, Welfare and Institutions Code. Reference: Section 10063(a), Welfare and Institutions Code.

<b>19-005</b>	<b>RELEASE TO APPLICANT/RECIPIENT OR AUTHORIZED REPRESENTATIVE (Continued)</b>	<b>19-005</b>
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.3 Applicant/Recipient Written Requests for Assistance to Legislators

Written inquiries to members of legislative bodies signed by applicants or recipients of public social services concerning the receipt of public social services may serve as authorization for release of information sufficient to answer such an inquiry.

.4 Access to Case Records

The applicant/recipient or his/her attorney or authorized representative may inspect the case records including the entire case narrative relating to the applicant or recipient which are held by DSS, DHS, or any agency supervised by DSS with the following exceptions listed below in Section 19-006.

NOTE: Authority cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063(a), 10850.2, and 11206, Welfare and Institutions Code.

<b>19-006</b>	<b>INFORMATION WHICH MAY NOT BE RELEASED TO THE APPLICANT/RECIPIENT</b>	<b>19-006</b>
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Privileged Communications

Portions of the applicant/recipient's record which would qualify as privileged communications as defined by the Evidence Code. This would include Sections 954 (lawyer-client), and 1041 (identity of informer).

NOTE: The physician-patient privilege in Evidence Code Section 990, et seq., belongs to the patient and may be waived by him/her. The right of the patient to inspect his/her records is confined to record maintained by the CWD and does not extend to the records kept by the physician.

<b>19-007</b>	<b>ELIGIBILITY DETERMINATIONS</b>	<b>19-007</b>
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.1 Collateral Contacts in CalWORKs and APSB

Pursuant to EAS Sections 40-157.22 and 40-181.31 individual consent forms, signed by the applicant or recipient are required for each contact made during the evidence gathering process. An exception to this rule is found in MPP Section 20-007.36 which exempts SIUs from the requirement of permission to contact collateral sources.

NOTE: Authority cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code. Reference: Section 10063(a), Welfare and Institutions Code.