



CDSS

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July 15, 2008

ALL COUNTY INFORMATION NOTICE NO. I-52-08

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY REFUGEE PROGRAM COORDINATORS

SUBJECT: PROHIBITIONS ON COUNTIES IN REQUESTING PERSONALLY IDENTIFYING INFORMATION OF VICTIMS OF DOMESTIC ABUSE FROM SERVICE PROVIDERS IN AWARDING GRANTS

REFERENCE: Senate Bill (SB) 1491, Chapter 54, Statutes of 2006; Civil Code Section 1798.79.8-1798.79.9; ACIN I-02-06

The purpose of this notice is to provide information to counties on the passage of SB 1491 (Chapter 54, Statutes of 2006), relating to protecting personally identifying information of victims of domestic abuse in receiving services from nongovernmental service providers. This notice also serves as a reminder to counties of current confidentiality regulations in place and the importance of maintaining strict confidentiality of California Work Opportunity and Responsibility to Kids (CalWORKs) applicants and recipients who are past or present victims of domestic abuse.

SB 1491 enacted state law that limits the personally identifying information that counties may request from nongovernmental service providers who serve victims of domestic abuse, dating violence, sexual assault, or stalking, or the children of such victims. Specifically, in the course of awarding grants, including but not limited to requests for proposals, contracts, billing procedures, implementing programs, or providing financial support or assistance for the purpose of providing shelter, programs, or services, it is unlawful for any entity to do either of the following:

- Request or require that a victim service provider disclose personally identifying information regarding any of the persons to whom it is providing services, it has provided services, or it has considered or is considering providing services.

- Request or require that a victim service provider use any computer software, computer program, computer protocol, or other computer system that requires the disclosure of personally identifying information regarding any of the persons to whom it is providing services, it has provided services, or it has considered or is considering providing services.

Section 1798.79.8(a) of the Civil Code defines, in detail, “personally identifying information” as follows:

- (1) First and last name or last name only.
- (2) Home or other physical address, including, but not limited to, a street name or ZIP Code, other than an address obtained pursuant to the California Safe At Home program or a business mailing address for the victim service provider.
- (3) Electronic mail address or other online contact information, such as an instant messaging user identifier or a screen name that reveals an individual's electronic mail address.
- (4) Telephone number, other than a business telephone number for the victim service provider.
- (5) Social Security number.
- (6) Date of birth, with the exception of the year of birth.
- (7) Internet protocol addresses or host name that identifies an individual.
- (8) Any other information, including, but not limited to, the first and last names of children and relatives, racial or ethnic background, or religious affiliation, that, in combination with any other nonpersonally identifying information, would serve to identify any individual.

The law does allow counties to use an individual’s case number, his or her first name and year of birth, and/or the service provider’s client file number. However, the California Department of Social Services (CDSS) strongly encourages counties to reconsider the use of an individual’s first name in combination with any other information that can ultimately identify the individual. Counties should consider using the county’s case number and the provider’s internal case number for identification.

The law defines a “victim service provider” as a nongovernmental organization or entity that provides shelter, programs, or services to the children of victims and the victims themselves of domestic abuse, dating abuse, sexual assault, or stalking. These services can be provided either directly or through other contractual arrangements including rape crisis centers, domestic abuse shelters, domestic abuse transitional housing programs, and other programs whose primary mission is to provide services to the children of victims and victims themselves of domestic violence, dating violence, sexual assault, or stalking.

The law does not prohibit the collection of information for statistical purposes that is necessary for the proper administration of a grant, program, or financial assistance, provided that collection does not require the disclosure of information that would serve to identify any specific individual. In addition, this law does not prohibit the county from reviewing a service provider's records, which may include confidential information, in the course of conducting a financial audit of one of its contractors.

Safety is of paramount concern to CDSS. There are regulations in place that specifically address the special handling of the personally identifying information of CalWORKs applicants and recipients. As stated in the Eligibility and Assistance Standards Manual Section 42.715.3, the personal information of domestic abuse victims and their dependents must never be disseminated to any outside party, government agency or employee of the county welfare department who is not directly involved in the applicant's or recipient's case. The exceptions are if the information is required to be disclosed by law or if the individual provides written authorization.

A promising practice that has been implemented in some counties is the establishment of a centralized unit of specialized supportive services workers to handle only domestic abuse cases so that every effort is made to protect the confidentiality and maintain sensitivity to the recipient and his or her family's issues.

If you have questions about this letter or the domestic abuse regulations, please contact your CDSS Employment Bureau county consultant at (916) 654-2137.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch

c: CWDA
CSAC