

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF YOUTH REHABILITATION SERVICES
POLICY AND PROCEDURES MANUAL**

POLICY NUMBER:	DYRS-009
RESPONSIBLE OFFICES:	Agency-wide
EFFECTIVE DATE OF POLICY:	April 23, 2013
SUPERSEDES POLICY:	DYRS-009 Issued May 11, 2012
SUBJECT:	Protection of Confidential Information

I. PURPOSE

The purpose of this policy is to establish guidelines and procedures for protection of confidential information regarding youth under the care of the Department of Youth Rehabilitation Services (DYRS) from unauthorized disclosure, and for disclosure of such information to individuals and agencies as authorized by applicable law.

II. POLICY

It is the policy of the Department of Youth Rehabilitation Services to:

- A. Prevent the unauthorized disclosure of confidential information regarding youth under the care of DYRS;
- B. Share confidential youth information with other government agencies and service providers when authorized by applicable law;
- C. Identify information that is not confidential (e.g., aggregate data) and may be disclosed in appropriate circumstances.

III. AUTHORITY

This policy is governed by all applicable District of Columbia and Federal laws including: DYRS Establishment Act, D.C. Official Code §§ 2-1515.01 *et seq.* (2008); District of Columbia Personnel Manual (DPM) Chapter 16 and 18; D.C. Code §§ 16-2331, 16-2333, 16-2331.01; Expanding Access to Juvenile Records Amendment Act, Law 18-0284 (effective March 8, 2011); Superior Court of the District of Columbia Administrator Order 10-11.

IV. SCOPE

The policies and procedures herein shall apply to all DYRS employees, contractors, sub-contractors, and volunteers. DYRS shall require that all volunteers who work in DYRS facilities or programs review these policies and procedures. All volunteers shall sign a written acknowledgement that they have reviewed the policies and procedures.

V. DEFINITIONS

As used in this policy, the following terms have the indicated meanings:

Audit trail – A record of instances in which persons who are not DYRS employees or contracted providers have been authorized to receive or view confidential youth information.

Confidential – Not to be disclosed except as authorized by this policy and applicable law.

Consent – A knowing and voluntary, written, signed, and dated agreement by an individual to disclose or release confidential information pertaining to that individual.

Disclosure – Sharing or release of confidential information, or making such information available to another person or agency, including: providing information contained in confidential records, making confidential documents available for inspection, providing copies of documents with confidential information, verbal sharing of confidential information, sharing confidential information in emails or other electronic forms, confirming confidential information that a third party possesses, and providing confidential information to another person or agency after an individual has received the information (“re-disclosure”).

DYRS records – records in DYRS’ possession that pertains to youth, other than court records, social file records, and law enforcement records.

General Counsel – The General Counsel of the Department of Youth Rehabilitation Services.

Law enforcement records – Police and other law enforcement records and files concerning a juvenile.

Non-confidential information – Information that does not identify any individual youth or make possible the identification of any individual youth, such as aggregate data.

Juvenile case records – Case records are (1) notices filed with the court by an arresting officer; (2) the docket of the court and entries to the docket; (3) complaints, petitions, and other legal papers filed in a case; (4) transcripts of proceedings before the court; (5) findings, verdicts, judgments, orders, and decrees; and (6) other writings filed in proceedings before the court, other than social records.

Juvenile social records – All social records of a child in any Family Court proceeding, including preliminary inquiries, predisposition studies, and examination reports.

VI. PROCEDURES

A. General – No disclosure of confidential information unless authorized by this policy.

Juvenile case records, juvenile social records, DYRS records, and law enforcement records pertaining to juveniles are confidential. Unless authorized as provided in this policy, DYRS staff, contractors, sub-contractors, and volunteers shall not disclose such records to any person or agency.

Confirmation of confidential information that is in the possession of another person is a disclosure. Consequently, unless authorized as provided in this policy, DYRS staff, contractors, sub-contractors, and volunteers shall not confirm any confidential information in juvenile case records, juvenile social records, law enforcement records, or other DYRS records to any person or agency.

B. Authorized disclosures – Exceptions to general rule of non-disclosure.

District of Columbia and federal law provide for authorized disclosure of confidential information to specific persons and agencies. In order to comply with applicable laws, DYRS staff, contractors, sub-contractors and volunteers shall respond to requests for confidential information as provided in this policy.

C. Requests for confidential information

1. Requests from (a) a youth, a youth's attorney, a youth's parent or guardian, an attorney for a youth's parent or guardian; or (b) personnel of the Family Court Social Services Division (CSS), the Court Services and Offender Supervision Agency (CSOSA), the Pretrial Services Agency (PSA), or the Department of Youth Rehabilitation Services (DYRS) – These requests shall be directed to the Program Manager of Case Management (for information pertaining to committed youth) or the Superintendent of the Youth Services Center (for information pertaining to detained youth).
2. Requests from the press – These requests shall be directed to the DYRS Public Information Officer, who will consult with the General Counsel to determine what information, if any, may be disclosed.
3. Requests from any other person or agency – These requests shall be directed to the General Counsel, who will determine what information, if any, may be disclosed.
4. Requests through the Freedom of Information Act (FOIA) – These requests shall be directed to the DYRS FOIA officer, who shall consult with the General Counsel.
5. Requests for medical or behavioral health information – These requests shall be directed to the General Counsel.
6. Requests from all other persons – These requests shall be directed to the General Counsel.

D. Audit trail for all disclosures of confidential information

DYRS staff, contractors, and sub-contractors shall maintain an audit trail for all disclosures of confidential youth information. The audit trail shall include: (1) the DYRS staff, contractor, or sub-contractor disclosing the confidential information, (2) the person inspecting or receiving the confidential youth information, (3) the type of information disclosed, and (4) the date of the disclosure.

D. Duration of confidentiality protections

Confidential information on a DYRS youth (whether detained or committed) continues to be confidential forever. Information on a youth in the care of DYRS (whether detained or committed) remains confidential even after:

1. The youth turns 18 years old;
2. The youth's commitment expires; or
3. The youth dies.

F. Security of confidential youth information

DYRS shall maintain the physical security of documents in its possession containing confidential youth information. DYRS shall, in conjunction with other District of Columbia agencies as appropriate, maintain the security of documents containing confidential youth information that are stored or accessed electronically.

G. Training of staff

DYRS shall provide training to all employees and contractors on the provisions of this policy and applicable District of Columbia and federal law.

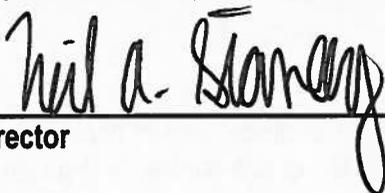
H. Breaches of confidentiality

Any DYRS employee found to be in violation of the provisions of this policy with respect to disclosure of confidential youth information may be subject to reprimand, suspension, dismissal, or other disciplinary action at the discretion of the Director of DYRS.

If any contractor or sub-contractor is found to be in violation of the provisions of this policy with respect to disclosure of confidential youth information, the Director of DYRS may seek the suspension of any contractual relationship with the contractor.

Any person who is found to be in violation of the confidentiality laws may be subject to criminal prosecution and penalties pursuant to D.C. Code § 16-2336, including a \$250 fine and imprisonment of 90 days.

Approval of the Agency Director:



Director