Wood County Board of Developmental Disabilities

POLICY

Policy #:	01-ALL-ALL-0027	**Subject:**	Confidential Records
Effective Date:	09-01-75	**Last Revision:**	12-05-17
Person Responsible:	Superintendent		
Approvals/Date:	12/11/17		12/11/17
	Superintendent, WCBDD Date		Board President, WCBDD Date

The following definitions will apply:
Confidentiality – The property that data or information is not made available or disclosed to unauthorized persons or processes.
FERPA – The Family Educational Rights and Privacy Act, which are federal regulations that govern the privacy of records maintained by schools, as well as the rights of parents and students to access those records. These regulations are codified in CFR Title 34 Part 99.
HIPAA – The Health Insurance Portability and Accountability Act of 1996, codified in 42 USC and at 42 CFR. In common terms, this includes the HIPAA Enforcement Rule, Transactions Rule, Privacy Rule, Breach Notification Rule and Security Rule.
Protected Health Information or PHI – Individually identifiable information that is (i) transmitted by electronic media, (ii) Maintained in electronic media, or (iii) transmitted or maintained in any other form or medium. Records of individual's deceased for more than 50 years are not PHI. For the purposes of this manual, and the board's compliance program, PHI shall also include "Education Records" as defined by FERPA. This creates a consistent set of policies for both types of confidential information.

Confidentiality is the basis for professional relationships, as well as for the respect due personal privacy. It involves trust and confidence, and is the key to our professional relationships. All information in an enrollee's records, including information electronic information, is confidential.

The WCBDD shall conform to all requirements for privacy and confidentiality set forth by the State of Ohio, the federal HIPAA and FERPA laws, and any other applicable law. The WCBDD shall not use or disclose PHI except in accordance with applicable requirements.

References:
34 CFR 99
42 CFR
45 CFR
42 USC
OAC § 3301-51-04, 5123:2-1-02(I)(2)
ORC § 5126.044

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