



**OFFICE OF INFORMATION SERVICES
Information Security and Privacy Office**

Operational Policy

Policy title:	Access to Records		
Policy number:	ODHS 100-003		
Original date:	7/22/2009 DHS Only	Last update:	12/05/2022
Approved:	Don Erickson, ODHS Chief Administrative Officer		

Purpose

This policy is one of a series that describes Oregon Department of Human Services (ODHS) expectations for the necessary collection, use, and disclosure of confidential, sensitive, and protected information about individuals in order to provide services and benefits while maintaining reasonable safeguards to protect the privacy of their information.

Description

This policy describes how individuals access records held by ODHS, including what information may be released, who may receive the information, and what is required for an authorization to release individual information. The policy also describes an individual’s right to file complaints regarding the use or release of their personal information.

Applicability

This policy applies to all ODHS staff including employees, volunteers, interns, contractors, and partners.

As keepers of the public trust, agency workforce has a responsibility to comply with state and agency policies, administrative rule, and state and federal law. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Individuals who fail to comply with state or agency policy, administrative rule, or state and federal law may face progressive discipline, up to and including dismissal from state service.

Policy

1. Individuals have the right to access, inspect and obtain information about themselves that ODHS possesses in whole or part unless access to such information is restricted by law or policy.
2. ODHS programs shall be responsible for the development of processes and educating staff regarding processing record requests.
3. ODHS shall document all requests, their outcomes and information released as appropriate. ODHS shall:
 - a. Acknowledge receiving the request;
 - b. Determine whether the agency has the records;
 - c. If the agency has the records, release records; or
 - d. Deny the request and provide a reason for the denial.
4. Requested information about individuals shall be disclosed only if all of the following apply:
 - a. The identity of the person or entity requesting the information has been confirmed;
 - b. Requestor has established their authority to obtain the information that is requested; and,
 - c. Release of the requested information does not conflict with federal or state statute or rule, or this policy.
5. If ODHS grants access to requested information, it will make every reasonable effort to provide the information in the form or format and in the manner requested by the individual such as mail, email, telephone, or at alternate locations.
6. ODHS may charge fees in accordance with federal and Oregon statutes, rules, and policies.
7. ODHS staff shall use the MSC 3010 Authorization for Disclosure, Sharing and Use of Individual Information, a similar form approved by the ODHS|OHA Privacy Compliance Officer, or an otherwise legally sufficient form to obtain authorization for disclosure of information. Information may be released for any purpose by an individual or the person legally authorized to act on behalf of the individual.
8. Individuals have the right to submit a complaint to their ODHS program if they have concerns of improper use or disclosure of their information or program compliance with ODHS privacy policies.
 - a. ODHS programs shall give individuals contact information for submitting a complaint to the program.
 - b. ODHS programs shall promptly inform the Information Security and Privacy Office (ISPO) of any complaints relating to the use or disclosure of information or policy compliance that they receive from individuals.
9. Each ODHS program shall develop a process to review and determine action on complaints.

10. ODHS staff may contact ISPO if they have questions about use or disclosure of information or compliance with agency privacy policies.

References

[45 CFR 160 General Administrative Requirements](#)

[45 CFR 164 Security and Privacy](#)

[Oregon Revised Statutes \(ORS\) 179.505 Disclosure of written accounts by health care services provider](#)

[ORS 192.563 Health care provider and state health plan charges](#)

[ORS 192.836 Use of substitute address; waiver of requirement](#)

[OAR 407-014-0000 to 407-014-0070 Privacy and Confidentiality](#)

Forms

[MSC 2090 ODHS|OHA Notice of Privacy Practices](#)

[MSC 3010 Authorization for Disclosure, Sharing and Use of Individual Information](#)

Policies

[Department of Administrative Services 107-001-030 Public Records Requests Fees and Charges](#)

[ODHS|OHA 010-018 Records Retention and Management Policy](#)

[ODHS 010-010 Public Records Requests, Fees and Waivers](#)

Contact

Information Security and Privacy Office (ISPO)

Phone: 503-945-5780 (Privacy)

Email: dhs.privacyhelp@odhsoha.oregon.gov

U. S. Department of Health and Human Services, Office for Civil Rights

Medical Privacy, Complaint Division

200 Independence Avenue, SW

Washington, D.C. 20201

Toll free Phone: 877-696-6775

Phone: 866-627-7748

TTY: 886-788-4989

Email: OCRComplaint@hhs.gov

Policy history

Version 1 DHS 100-003 established 07/12/2009

Version 2 DHS 100-003 revised 03/06/2017

Version 3 ODHS 100-003 revised 11/07/2022

Keywords

Access, access to records, complaint, disclosure, inspect, obtain, request for information, requests, review

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