STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

April 12, 1995

ALL-COUNTY INFORMATION NOTICE I-19-95

TO: ALL COUNTY WELFARE DIRECTORS
CHIEF INVESTIGATORS

REASON FOR THIS TRANSMITTAL

[X] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

SUBJECT: AB 836

Assembly Bill 836 (Chapter 148, Statutes of 1994), Goldsmith, passed and was chaptered on July 11, 1994. Section 14 of that bill required, among other items, the California Department of Social Services (CDSS) to adopt regulations "to ensure that any investigations made under this chapter are conducted throughout the state in such a manner as to protect the confidentiality of the current or former working recipient."

The department has concluded that the existing confidentiality regulations, Division 19 of the Manual of Policy and Procedures (MPP), meets the mandate of AB 836 and is in compliance with other statutory requirements. Thus, no change in existing policies and procedures is necessary. However, we wish to use this ACIN to reiterate the provisions of Division 19 and AB 836.

The general rule is as follows:

- Names, addresses, and all other information concerning the circumstances of any individual for whom or about whom information is obtained is confidential and shall be safeguarded. This is true of all information whether written or oral. (MPP section 19-002.)

- No disclosure of any information obtained by a representative, agent or employee of the county, in the course of discharging his or her duties, shall be made, directly or indirectly, other than in the administration of public social service programs. This includes acknowledgment by a welfare department receptionist or telephone operator that a person is receiving assistance.

- Disclosure of information which identifies by name or address any applicant or recipient of public social services to federal, state or local legislative bodies and their committees without such applicant or recipient's consent is prohibited. Such bodies may include the United States Congress, the California State Senate and Assembly, city councils, county boards of supervisors, etc. Exceptions to this rule are found in MPP section 19-004.3 of this division regarding audits and MPP section 25-480, concerning discharge of accounts.

Both the release and possession of confidential information in violation of the rules of Division 19 are misdemeanors.

Some exceptions from the confidentiality statutes are provided for:

- Statistical information not identifiable with a particular individual (MPP section 19-003).
- Public officials such as District Attorneys, county counsel, federal, state and county welfare officials, and county auditors for purposes in connection with program administration (MPP section 19.004.3)
- Law enforcement officials (MPP section 19-004.4) as specified therein.
- Schools as specified therein (MPP section 19-004.6).
- State hearings (MPP section 19-005.4).
- Fraud investigations (MPP section 19-007).

Welfare fraud and related investigations are an exception to the confidentiality rules. However, we wish to remind you that, while an applicant/recipient's permission is not required for the investigator to contact a third party, care should be taken not to unnecessarily divulge public assistance case information in the course of the contact. The passage of Proposition 187 has raised questions about effects of the provisions on these rules. Since implementation of the provisions of Proposition 187 has been enjoined, the provisions have no effect on current law and policy in this area. If Proposition 187 is later implemented, we will inform you of any changes at that time.

We wish to take this opportunity to reinforce CDSS's commitment to ensuring public assistance programs are conducted within all confidentiality requirements. If you have any questions or concerns regarding this matter, please contact Mr. Richard Tibbetts at (916) 323-5674.

Sincerely

Bruce Wagstaff

BRUCE WAGSTAFF
Acting Deputy Director
Welfare Programs Division