



MEMORANDUM

New York State
Office of
Children &
Family
Services

TO: LDSS Commissioners, Executive Directors,
State Agencies Using OCFS Databases

FROM: Sheila Poole 
Acting Executive Deputy Commissioner

SUBJECT: Confidentiality and Access to and / or Release of
Information from Confidential Data Bases

www.ocfs.state.ny.us

Date: May 30, 2012

Andrew M. Cuomo
Governor

Gladys Carrión, Esq.
Commissioner

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Every day, the children and families we serve trust us with their personal and highly confidential information. Safeguarding that information is an integral component of our service delivery, and a reflection of our professionalism. Whether the information is obtained through a face-to-face contact, telephone call, letter, or by accessing a computer database, strict confidentiality rules apply. Confidential information, including that contained in State and local government databases is protected by numerous federal and State statutes, regulations and policies. OCFS has made safeguarding confidential, personal, private and sensitive information a priority; to both reduce the risk of information security incidents and breaches, and to facilitate on-going compliance.

Please remember that access to data maintained in confidential databases including but not limited to CONNECTIONS, LTS, WMS, CCRS, ASAP, APS-Net, CBVH CMS, Register of the Blind, JJIS, ICPC, OCS, SSA, any and all NYSAS databases, and the Putative Father Registry is strictly limited to authorized employees and legally designated agents for authorized purposes only. This means that if you access such a case or other personally identifiable data without having an official OCFS purpose, you may be subject to civil liability and/or criminal prosecution, or disciplinary action including termination.

All OCFS, district and Voluntary Agency staff must respect and safeguard confidential information concerning clients, participants and employees, and their respective property and affairs.

The federal and state law and regulations, and OCFS policies that protect confidentiality not only prohibit re-disclosure of confidential information; they also prohibit accessing confidential information regarding a case, client or employee by an individual who has not been assigned to that case or client, or has no duly authorized business reason to access the information. For example:

1. It is prohibited to access your case records, or those of a family member, neighbor, friend, partner, co-worker, or anyone else to whom you have been given no official assignment. If you are assigned to a case in which you have personal involvement with the participants, you should immediately inform your supervisor so that you can be taken off of that case or matter.



2. It is forbidden to access old or closed records involving yourself, a family member, neighbor, friend, partner, co-worker or anyone else for which you have been given no official assignment.
3. You may not re-disclose any information that you have received in your official capacity except if your official duties require you to do so, and you are duly authorized to do so.
4. No one may waive the confidentiality of federal, State or local government records. That means that even if someone has told you that you may access or disclose their record, you may not do so unless in furtherance of your official OCFS duties.

In addition to the above, special rules apply to access to and disclosure of identifiable information regarding youth in the care and custody of OCFS or the LDSS.

- Information about individual youth in OCFS' custody cannot be disclosed, including information as to whether a particular youth is or has been in OCFS' custody. Therefore, you may not disclose information identifying an OCFS youth to the media, a member of the state or a local legislature, or the general public. If you are asked, you must state, "We are not authorized by law to disclose whether or not any individual was ever under our jurisdiction."
- Information about individual youth in foster-care cannot be disclosed. Therefore, you may not disclose information identifying a foster youth to the media, a member of the state or a local legislature, or the general public.

Any exception to the above must be approved by the OCFS Legal Division prior to disclosing any information.

Incidents involving the unauthorized access or disclosure of the confidential information in OCFS-maintained systems/databases must be reported to the OCFS Information Security Officer (ISO) at the acceptable use mailbox at acceptable.use@ocfs.state.ny.us. When reporting, please provide a central point of contact, telephone number, and details as to the nature, location, date, time and individuals involved in the confidentiality or security incident, or breach. Additional information may be requested to determine appropriate response, reporting and corrective actions.

Please note that the confidential information from OCFS files and/or databases is protected by numerous Federal and State statutes and regulations, including but not limited to Social Security Act, Title IV, § 1902(a)(7), [42 USC § 1398a(a)(7)]. Staff also should refer to the New York State Office of Children and Family Services' Administrative Directives, [07-OCFS-ADM-12](#) and [05-OCFS-ADM-02](#).

Thank you for your continued attention to this critical matter.

cc: William E. Travis, Jr., CIO/Deputy Commissioner of IT