

Paragraph (4) of subdivision (a) of section 428.15 is repealed and a new paragraph (4) is added to read as follows:

(4) Such records, whether maintained by a social services district or provider agency must be retained in accordance with the following standards:

(i) records of a foster child must be retained for 30 years following the discharge of the child from foster care;

(ii) records of a child and family receiving preventive services must be retained for six years after the 18th birthday of the youngest child in the family. The provisions of this subparagraph apply where the sole service provided is preventive services. Where preventive services is provided in conjunction with or in addition to foster care, adoption or child protective services, the applicable standards for record retention in relation to foster care, adoption or child protective services as set forth in this section apply;

(iii) records of a child and family receiving child protective services must be maintained in accordance with the standards set forth in sections 422(5) and 422(8) of the Social Services Law and section 432.9(f) of this Title; and

(iv) records of an adopted child must be permanently retained.

Paragraph (1) of subdivision (a) of section 441.7 is amended to read as follows:

(a) All authorized agencies shall:

(1) maintain current case records for each child in its care, in accordance with the requirements of section 372 of the Social Services Law, which records [shall] must be conveniently indexed and retained [until such child becomes 21 years of age] in

accordance with the requirements set forth in paragraph (4) of subdivision (a) of section 428.15 of this Title; such [record shall] records must also include the intake study; [,] the plan of service; [,] plan for discharge and aftercare, where applicable; [,] the care and services provided, including social, psychiatric and psychological services, social history of the child and [his] the child's family; [,] certification of birth; [,] medical and surgical consent from parent or guardian; [,] record of school placement; [,] reports from other agencies; [,] all pertinent correspondence; [,] and periodic progress reports which [shall] must consist of social information, psychological or psychiatric reports, if applicable, medical and dental reports, reports from staff, and after care reports. The requirements of this paragraph [shall] must not be construed to require agencies to maintain duplicate records for those maintained by them pursuant to Parts [Part] 428 and / or 466 of this Subchapter.

A new Part 466 is added to read as follows:

PART 466

Implementation and Administration of the CONNECTIONS System

Section 466.1 Scope

466.2 Definitions

466.3 Mandatory Use

466.4 Confidentiality

466.5 Sealing and Expungement of Information

466.6 Security

Section 466.1 Scope.

The provisions of this Part apply to the implementation and administration of the CONNECTIONS system. This Part establishes standards for the internal and external recording of information in the CONNECTIONS system, the protection of confidential

individual identifiable information, the sealing and expungement of information and the security of the system.

Section 466.2 Definitions.

For the purposes of this Part the following definitions apply:

(a) The CONNECTIONS system means the statewide automated child welfare information system implemented and administered by OCFS pursuant to section 446 of the Social Services Law. The CONNECTIONS system contains, but is not limited to, those data elements required by applicable State and federal statutes and regulations, relating to the provision of child welfare services including foster care, adoption assistance, adoption services, preventive services, child protective services, and other family preservation and family support services.

(b) OCFS means the New York State Office of Children and Family Services, successor agency to the Department of Social Services and the Division for Youth, pursuant to chapter 436 of the Laws of 1997.

(c) A public or private agency means an authorized agency, as defined in paragraphs (a) or (b) of subdivision 10 of section 371 of the Social Services Law; a not-for-profit corporation, as defined in paragraph 5 of subdivision (a) of section 102 of the Not-for-Profit Corporation Law; or a public agency that receives prior approval from OCFS to provide foster care and/or child welfare services.

Section 466.3. Mandatory Use.

Upon issuance of an administrative directive by OCFS indicating that information regarding a child welfare service or services must be entered into the CONNECTIONS system, each social services district or public or private agency providing such service

that has access to the CONNECTIONS system must use the CONNECTIONS system for recording the information in the form and manner prescribed by OCFS to satisfy the data requirements for the particular service. Any such administrative directive may require use of the CONNECTIONS system for all or part of the services or information to be documented, and may apply initially to a limited number of social services districts and/or public and private agencies.

Section 466.4 Confidentiality.

(a) Individual identifiable information contained in the CONNECTIONS system is confidential and may be disclosed only in a manner consistent with applicable statutory and regulatory standards.

(1) Individual identifiable information regarding children in foster care and their families is confidential and access to such information is allowable only pursuant to the standards set forth in sections 372, 373-a, 409-e and 409-f of the Social Services Law and applicable OCFS regulations including sections 357.3 and 430.12 of this Title.

(2) Individual identifiable information regarding children and families receiving preventive services is confidential and access to such information is allowable only pursuant to the standards set forth in sections 409-e and 409-f of the Social Services Law and applicable OCFS regulations including section 423.7 of this Title.

(3) Individual identifiable information regarding adoption assistance and adoption services is confidential and access to such information is allowable only pursuant to the standards set forth in section 114 of the Domestic Relations Law, sections 373-a and 409-f of the Social Services Law and applicable OCFS regulations including section 357.3 of this Title.

(4) Individual identifiable information regarding child protective services is confidential and access to such information is allowable only pursuant to the standards set forth in sections 422(4), 422(5), 422(6), 422(7), 422-a, 424(4) and 424(5) of the Social Services Law and applicable OCFS regulations including section 432.7 of this Title.

(5) In addition to the standards set forth in paragraphs (1) – (4) of this subdivision, information contained in the CONNECTIONS system is subject to all other applicable federal and State confidentiality standards, including but not limited to, those set forth in Article 27-F of the Public Health Law regarding confidential HIV-related information and section 459-g of the Social Services Law regarding the street address of residential programs for victims of domestic violence.

(b) Consistent with applicable statute and regulation, an employee of OCFS, a social services district or a public or private agency providing child welfare services may have access to client identifiable information contained in the CONNECTIONS system only when access to such information is necessary for the employee to perform his or her specific job responsibilities.

(c) Each social services district and each public or private agency providing child welfare services that has access to the CONNECTIONS system must develop and implement policies and practices to maintain the confidentiality of individual identifiable information contained in the CONNECTIONS system consistent with applicable statutes and regulations including the taking of disciplinary action against any employee who fails to comply with the confidentiality standards set forth in this Part.

Section 466.5 Sealing and Expungement of Information

(a) All individual identifiable information regarding a child and/or family receiving preventive services that are not provided in conjunction with or in addition to child protective, foster care or adoption services must be expunged from the CONNECTIONS system six years after the 18th birthday of the youngest child in the family.

(b) All individual identifiable information regarding a child and/or family receiving child protective services is subject to the sealing and expungement standards set forth in sections 422(5), 422(6) and 422(8) of the Social Services Law and section 432.9 of this Title.

(c) The expungement of individual identifiable information from the CONNECTIONS system includes the elimination of the electronic data and information from the electronic system or the elimination of the electronic data required to access such information.

Section 466.6 Security.

(a) OCFS, local social service districts, and public or private agencies providing child welfare services that have access to the CONNECTIONS system must establish and maintain a CONNECTIONS security plan addressing the following areas:

- (1) Physical security of CONNECTIONS resources;
- (2) Equipment security to protect equipment from theft and unauthorized use;
- (3) Software and data security;
- (4) Telecommunications security;
- (5) Personnel Access Control;

- (6) Contingency plans for meeting critical processing needs in the event of short or long-term interruption of services;
- (7) Emergency and/or disaster preparedness;
- (8) Designation of a security manager for OCFS and a security coordinator for the local district or public or private agency; and
- (9) A program for conducting periodic security reviews at least once every two years to evaluate physical and data security operating procedures and personnel practices and to determine whether appropriate, cost effective safeguards exist to comply with the areas set forth in this subdivision. A report of each security review and all relevant supporting documentation must be maintained and made available to OCFS upon request.

(b) Each social service district and each public or private agency providing child welfare services that has access to the CONNECTIONS system must immediately report in writing to the State Information Technology staff person designated by OCFS the loss or theft of any CONNECTIONS equipment and any event that may jeopardize the security of the CONNECTIONS system.