



Upper Midwest American Indian Center

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Confidentiality and Data Practices Policy

The Minnesota Data Privacy Act mandates protection of confidentiality of information and records. It is expected all employees, interns, volunteers and foster parents having access to private information will consistently and uniformly maintain the privacy and confidentiality of this information. An orientation on Confidentiality and Mandated Reporting requirements will be conducted with Upper Midwest American Indian Center (UMAIC) staff. DHS requires this orientation be completed within the first five days of an employee or volunteer's affiliation with UMAIC. Confidentiality Agreements must be signed by UMAIC staff and placed in their personnel file.

Release of Information Form must include anyone with whom information is to be disclosed or shared, with the exception of an agent of the welfare system or an investigator acting on behalf of a county, the state, or the federal government, including a law enforcement person or attorney. Release of Information Form must name the person and/or organization with whom information will be shared or disclosed, and must be signed by the legal guardian.

To maintain confidentiality, paper and electronic files must be kept locked or password protected when not in the licensing worker's immediate possession or use. This information includes knowledge that alone, or in conjunction with other readily available public data, can identify the child. **Confidential information about children in placement can only be shared for the purpose of planning and support and only with authorized releases or by a court order.**

Electronic Files

- Information that could lead to identification of an individual may not be transmitted electronically, including attached documents, unless password protected (password must not accompany the document sent). Confidential information may not be faxed to fax machines with public access.
- Laptops or electronic storage devices containing confidential information must not be left in vehicles when unattended.
- Documents including confidential information may only be saved on an UMAIC's computer, which is password protected. Documents must be uploaded to the database and deleted from the device within 24 hours of completion. Documents including confidential and identifying information must not be produced or stored on a person computing device.
- User ID, passwords, and other login information must never be kept with or saved on a computer or computing device, or written down with work information. All passwords must be recorded with UMAIC's administrative staff. Passwords cannot be shared with anyone outside of UMAIC.
- Referral information that does not include identifying information can be e-mailed to foster parents.

- A Hennepin County Private Agency Foster Home Referral Form may not include identifying information unless password protected.

Paper Documents

- Documents containing confidential and identifying information must be stored in a locked file.
- Disposal of documents containing confidential and identifying information must be shredded.
- Confidential information removed from the office must be returned by the next business day. When removed from the office confidential information must be secured within a closed case or bag and must contain a business card in the event that it is lost or stolen. When confidential information is not in personal possession of staff, it must be out of sight in a locked vehicle.

Releasing Confidential Information

When information is released, either through a court order or release of information form, any private or confidential information not specifically covered by the court order or release must be redacted. Foster Care Staff will consult with supervisors prior to the release of confidential information to any person or group outside of the Foster Care Program.

Parent Information

Most information maintained on foster parents is public information. Exceptions to this include financial information (such as income and location of financial accounts), insurance information, Social Security number, references, licensing investigation details, and background studies.

A guide for requesting public data is found at

<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-6554-ENG>

A guide for requesting data about yourself is found at

<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-6553-ENG>

Foster parents may only see items in their file that pertain to them individually. Other information to be viewed will be provided only with a signed release from the individual to whom it pertains. Prior to foster parents viewing their file, reference forms, information received from outside investigative bodies, and the names of persons giving information in licensing complaints must be removed from the file.

Media/Social Media

- Pursuant to MN Rule 2960.3010, subp. 5, basic services include services provided at the foster home to the child that meet the child's **basic need for privacy**.
- Item 14, under the "Agency May Expect the Foster Parents to:" section of the Agreement Between Foster Parents and Placement Agency states that foster parents **agree to "Keep information about a child and their family confidential, and discuss only with appropriate agency staff members or other professionals designated by the agency."**

The only acceptable way for a licensed provider to post any information and/or pictures regarding persons served by the program is to obtain written permission from a parent or guardian of the child/youth, even if the provider uses "assumed" names to prevent others from recognizing the individual.

Even with written permission, proceed with caution in posting pictures and information. The information is now public and may be accessed by anyone for any reason.

In some cases, DHS has issued licensing sanctions when it has been determined that the above referenced rules have been violated.