Updates to the Social Service Information System and Data Practices Guide

TOPIC
Requirements for allowable access and response to data requests from the Social Service Information System (SSIS).

PURPOSE
Enhancements to SSIS in version 5.4 allow immediate access to certain information requests, changing the previous approval process. This bulletin updates and replaces Bulletin #08-68-14.

CONTACT
Nan Beman, SSIS Policy Coordinator
Child Safety and Permanency Division
(651) 431-4767, or nan.beman@state.mn.us

SIGNED

ERIN SULLIVAN SUTTON
Assistant Commissioner
Children and Family Services
The Minnesota Department of Human Services (DHS) issued bulletin #08-68-14 on October 3, 2008, providing guidance on the process to be followed to request access to case material in other counties or tribes using SSIS. Electronic requests to view data were sent, and electronic approval received, in a process that could take a few days. No delay is allowable in granting access to requests for child protection or adult protection information. To comply with federal requirements for State Automated Child Welfare Information Systems (SACWIS), per 45 C.F.R.1355.52, and the Child Abuse Prevention and Treatment Act (CAPTA) [42 U.S.C.§ 5106a(5)], statewide case access for child protection is now immediately available to the authorized requestor. Access to adult protection information is also immediate and automatic per Minnesota Statute, section 626.557, subd. 12b(g). This functionality will be available when agencies receive SSIS Version 5.4.

Background

SSIS is Minnesota’s statewide social services computer system for documentation of all required social service case management functions and duties. SSIS meets the reporting requirements specified by the Adoption and Foster Care Analysis and Reporting System (AFCARS), and the National Child Abuse and Neglect Data System (NCANDS). Common Entry Point reports of maltreatment of vulnerable adults must also be logged into SSIS per Minnesota Statute, section 626.557, subd. 9(g). The purpose of SSIS is to offer an efficient and usable electronic case management system that enhances the safety of vulnerable persons by facilitating a statewide exchange of information across responsible agencies. The data collected also allows users to manage their work using the information in SSIS, evaluate programs and client outcomes, and make decisions based on data trends rather than anecdotal stories.

SSIS data is protected and private, and in some instances, confidential. SSIS maintains information on individuals who receive a wide range of social service programs: child protection, child welfare, chemical dependency, developmental disabilities, licensing, adult protection and other adult services. Program areas have unique requirements for release of data or authorization for access to data.

All counties and the two tribes with SSIS have their own SSIS databases. Their data is uploaded regularly to the statewide repository. In addition, SSIS has a statewide index (SWNDX) of persons who have been cleared as unique individuals by county/tribal social service agencies. SWNDX includes limited information on those who are receiving child protection, adult protection, or other social service programs, those who have been determined to be maltreatment offenders, and those whose rights as parents have been terminated. Access to SSIS and SWNDX information by agency staff is only as authorized by the county or tribal social service agency within each agency. Security within SSIS can be set to reflect the differing data privacy requirements in various programs, and occasionally set for the unique requirements of an individual case.

ACTION REQUESTED

Counties and tribes must review the guidelines, request data under the correct program, and ensure that procedures for authorizing access to SSIS follow requirements.
Statewide Case Access

Since March 2008, county and tribal agencies have had the ability to request access to a case in another agency in SSIS electronically. The last federal SACWIS review clarified the requirement to make child protection statewide access immediate for the purpose of addressing safety issues for Minnesota’s children. In version 5.4, SSIS added automatic access for requests made for child protection, adult protection, or emergency circumstances. Any child protection social worker completing a Child Protection (CP) assessment, investigation, or case management workgroup, may request access to CP workgroups in other Minnesota welfare agencies. Access will be automatically and immediately granted to CP, Children’s Mental Health (CMH), and other child welfare workgroups. Chemical Dependency (CD) and Adult Mental Health (AMH) workgroups will not be immediately accessible for a child protection request, but may be requested using the existing approval process. When the information in the CD record meets the exceptions portion of the federal regulation covered under 42 C.F.R. 2.12(c)(6), reports of suspected child abuse and neglect, access to the CD workgroup may be authorized to any county or tribe assessing or investigating abuse and neglect. The automatic access for child protection purposes is authorized by CAPTA and Minnesota Statute, section 626.556, subd. 10g, or the Child Protection Notice of Privacy Practices.

The agency receiving immediate access under child protection auspices will have access to the identity of the reporter, and must maintain the confidentiality of that identity as of any reporter name in their own agency data. The names of reporters of child maltreatment are specifically protected under Minnesota Statute, section 626.556, subd. 11, Records:

An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith.

Access to the requesting child protection agency of the identity of the reporter is allowed and required to any county or tribal agency assessing or investigating a report of child maltreatment per requirements in CAPTA. Minnesota was granted funds to create SSIS for the purpose of “developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange.” 42 U.S.C. § 5106a

This authorization is an exchange of information between child protection investigating agencies rather than a release of information to any entity outside of the local governmental agency without access to SSIS. Minnesota has a statewide information system which enables a cohesive coordinated response to reports of maltreatment within the state.
Any social worker in the adult protection program may request and receive immediate access to adult protection cases statewide. CD and AMH workgroups are again not included in immediate access for adult protection.

Any social worker not in child or adult protection may have an emergency need to access data in another agency per Minnesota Statute § 13.46, subd.2(a)(10). Emergency need is defined as one where the health or safety of the individual or other persons is at risk. SSIS recommends a phone call to the authorizing agency with an explanation of the emergency and time constraints when access to CD or AMH is needed in these circumstances.

For all other access requests there is an option of request reason “Other.” The requesting agency should fax a valid court order, a signed Authorization for Release of Information, or a signed Notice of Privacy Practices to the authorizing agency.

**Mobile SSIS Access**

Some social service agencies have provided social workers with laptops. This enables efficient and regular use of SSIS during the work day. Social workers must take care to handle laptops carefully to ensure no data is viewable by any unauthorized person. When appropriate care is taken, mobile computing may enhance the social worker’s productivity and improve the quality of the data. Technical support from your agency is required to set up mobile computer access to SSIS. Your agency’s IT infrastructure may need enhanced in order to allow remote access to SSIS. Contact W.T. Browne at W.T.Browne@state.mn.us for consultation and technical assistance.

**Minimum Necessary Requirement**

In both disclosing and requesting protected health information (PHI), the social service agency must make reasonable efforts to limit PHI to the “minimum necessary” to accomplish the intended purpose of the use. The minimum necessary requirement does not apply to uses or disclosures that are required by law, as described by 45 C.F.R., 164.512 including but not limited to disclosure about victims of abuse, neglect, or domestic violence.

**Americans with Disabilities Act (ADA) Advisory**

This information is available in alternative formats to individuals with disabilities by calling (651) 431-4671. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency’s ADA coordinator.
Minnesota Department of Human Services
Notice of Privacy Practices
(Effective Date: April 14, 2003.)

This notice describes how medical and other private information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

Why do we ask for this information?
- To tell you apart from other people with the same or similar name
- To decide what you are eligible for
- To help you get medical, mental health, financial or social services
- To decide if you can pay for some of your services
- To make reports, do research, do audits, and evaluate our programs
- To investigate reports of people who may lie about the help they need
- To decide about out-of-home care and in-home care for you or your children
- To collect money from other agencies, like insurance companies, if they should pay for your care
- To decide if you or your household members need protective services
- To collect money from the state or federal government for help we give you.

Why do we ask you for your Social Security number?
We need your Social Security number to give you some kinds of financial help or child support enforcement services (45 CFR 205.52 [2001]; 42 USC 666; 45 CFR 303.30 [2001]). We also need your Social Security number to check information you give us through matching programs that are part of an Income Eligibility Verification System (IEVS) (5 U.S.C. § 552a(o)(1)(D)).

You do not have to give us the number:
- For persons in your home who are not applying for coverage
- If you have religious objections
- If you are not a U.S. citizen and are applying for Emergency Medical only
- If you are from another country, in U.S. on a temporary basis and do not have permission from U.S. Citizenship and Immigration Services (USCIS) to live in the U.S. permanently
- If you are living in the U.S. without the knowledge or approval of the USCIS.

Do you have to answer the questions we ask?
You do not have to give us your personal information. We need this information to tell if you can get help from us. Without the information, we may not be able to help you. If you give us wrong information on purpose, you can be investigated and charged with fraud.

With whom may we share information?
Sometimes we share information about you with other agencies. We will only share information as needed and as allowed or required by law. For example, we may share your information with the following types of agencies or persons who need the information to do their jobs:
- Employees or volunteers with other state, county, local, federal, collaborative and nonprofit agencies
• Court officials, county attorney, attorney general, other law enforcement officials, and child
  protection and fraud
• investigators
• Child support officials
• Educational institutions and organizations
• Health care providers, including mental health agencies and drug and alcohol treatment
  facilities
• Health care insurers, health care agencies, managed care organizations and others who pay
  for your care
• Guardians, conservators or persons with Power of Attorney
• Coroners and medical investigators if you die and they investigate your death
• Credit bureaus, creditors or collection agencies if you do not pay fees you owe to us for
  services
• Human services offices, including child support enforcement offices
• Anyone else the law says we must or can give the information

What are your rights regarding the information we have about you?
• You may see and copy medical or other private information we may have about you. You
  may have to pay for the copies.
• You may give other people permission to see and have copies of information about you.
• You may question if the information we have about you is correct. Send your concerns in
  writing. Tell us why the information is wrong or not complete. Send your own explanation of
  the information you do not agree with. We will attach your explanation any time information
  is shared with another agency.
• You have the right to ask us to share your information with you in a certain way or in a
  certain place. For example, you may ask us to send health information to your work address
  instead of your home address. You must ask us to do this in writing. If we find that your
  request is reasonable, we will grant it.
• You have the right to ask us to limit or restrict the way that we use or disclose your
  information, but we are not required to agree to this request.
• You have the right to get a record of some of the people or organizations that we have shared
  your information with. This record was started on April 14, 2003. You must ask for a copy of
  this record in writing to our Privacy Official.
• If you do not understand the information, ask your worker to explain it to you. You can ask
  the Department of Human Services for another copy of this notice.

What are our responsibilities?
• We must let you know our legal duties and privacy practices, which we are doing by
  providing you with this notice.
• We must protect the privacy of your medical and other private information according to the
  terms of this notice.
• We may not use your information for reasons other than the reasons listed on this form
  unless we get special written permission from you. We may not share your information with
  individuals and agencies other than those listed on this form unless we get special written
  permission from you.
• We are required to follow the terms of this notice, but we may change our privacy policy in
  the future. We might do this, for example, because privacy laws change and require us to
  change our practices. When we change our privacy rules we will put them on our Web site
  at:  http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-3979-ENG
What privacy rights do children have?
If you are under 18, when parental consent for medical treatment is not required, information will not be shown to parents unless the health care provider believes not sharing the information would risk your health. Parents may see other information about you and let others to see this information, unless you have asked that this information not be shared with your parents. You must ask for this in writing and say what information you do not want to share and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information may be shared with your parents if they ask for it.

What if you believe your privacy rights have been violated?
You may complain if you believe your privacy rights have been violated. You cannot be denied service or treated badly because you have made a complaint. If you believe that your medical privacy was violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a written complaint either to the county agency, the organization or to the federal civil rights office at:

U.S. Department of Health and Human Services
Office for Civil Rights, Region V
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice) or
toll free (800) 368-1019 or (866) 282-0659
(312) 353-5693 (TTY/TDD)
(312) 886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights, you may send a written complaint to the U.S. Department of Health and Human Services at the address above or to:

Minnesota Department of Human Services
Attn: Privacy Official
PO Box 64998
St. Paul, MN 55164-0998

Sign below to indicate that you have received this privacy notice.

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<th>RECIPIENT OF NOTICE OR LEGALLY AUTHORIZED REPRESENTATIVE</th>
<th>DATE</th>
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Attention. If you want free help translating this information, ask your worker or call the number below for your language.

This information is available in alternative formats to individuals with disabilities by calling your county worker. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services benefits, contact your agency’s ADA coordinator.
Minnesota Department of Human Services
Child Protection Notice of Privacy Practices
(Effective Date: April 14, 2003)

This notice describes how medical information and other private information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

Why do we ask you for this information?
- To tell you apart from other people with the same or similar name.
- To decide what you are eligible for.
- To help you get medical, mental health, financial or social services.
- To decide if you can pay for some of your services.
- To make reports, do research, do audits, and evaluate our programs.
- To investigate reports of people who may lie about the help they need.
- To decide about out-of-home care and in-home care for you or your children.
- To collect money from other agencies, like insurance companies, if they should pay for your care.
- To decide if you or your family needs protective services.
- To collect money from the state or federal government for help we give you.

Why do we ask you for your Social Security number?
We need your Social Security number to give you some kinds of financial help or child support enforcement services (45 CFR 205.52 [2001]; 42 USC 666; 45 CFR 303.30 [2001]). We also need your Social Security number to check information you give us through matching programs that are part of an Income Eligibility Verification System (IEVS) (5U.S.C. § 552a(o)(1)(D)).
You do not have to give us the number:
- For persons in your home who are not applying for coverage
- If you have religious objections
- If you are not a U.S. citizen and are applying for Emergency Medical only
- If you are from another country, in U.S. on a temporary basis and do not have permission from U.S. Citizenship and Immigration Services (USCIS) to live in the U.S. permanently
- If you are living in the U.S. without the knowledge or approval of the USCIS.

Do you have to answer the questions we ask?
You do not have to give us your personal information.
We need this information to tell if you can get help from us. Without the information, we may not be able to help you. If you give us wrong information on purpose, you can be investigated and charged with fraud.
With whom may we share information?
Sometimes we share information about you with other agencies. We will only share information as needed and as allowed or required by law. For example, we may share your information with the following types of agencies or persons who need the information to do their jobs:

- Employees or volunteers with other state, county, local, federal, collaborative and nonprofit agencies
- Court officials, county attorney, attorney general, other law enforcement officials, and child protection and fraud investigators
- Child support officials
- Educational institutions and organizations
- Health care providers, including mental health agencies and drug and alcohol treatment facilities
- Health care insurers, health care agencies, managed care organizations and others who pay for your care
- Guardians, conservators or persons with Power of Attorney
- Coroners and medical investigators if you die and they investigate your death
- Credit bureaus, creditors or collection agencies if you do not pay fees you owe to us for services
- Human services offices, including child support enforcement offices
- Anyone else the law says we must or can give the information

What are your rights regarding the information we have about you?

- You may see and copy medical or other private information we may have about you. You may have to pay for the copies. However, certain data relating to a child protection assessment or investigation may not be available to you.
- You may give other people permission to see and have copies of private information about you.
- You may question if the information we have about you is correct. Send your concerns in writing. Tell us why the information is wrong or not complete. Send your own explanation of the information you do not agree with. We will attach your explanation any time information is shared with another agency.
- You have the right to ask us to share your information with you in a certain way or in a certain place. For example, you may ask us to send health information to your work address instead of your home address. You must ask us to do this in writing. If we find that your request is reasonable, we will grant it.
- You have the right to ask us to limit or restrict the way that we use or disclose your information, but we are not required to agree to this request.
- You have the right to get a record of some of the people or organizations with whom we have shared your information. This record was started on April 14, 2003. You must ask for a copy of this record in writing to our Privacy Official.
- If you do not understand the information, you may ask your worker to have it explained to you. You can ask DHS for another copy of this notice.
Child protection assessment or investigative data

The Minnesota Government Data Practices Act requires that the county agency inform you of your rights under the Data Practices Act when asking you to give private information about yourself.

- The name of any person who reports suspected child maltreatment is confidential. This means that the person's name or any identifying information about the person cannot be disclosed except in very limited circumstances.
- During and after an assessment or investigation, the information the agency collects about you and your child is private data. Private data means that only the person whom the information is about may access the information, unless that person gives permission for others to access the information.
- A copy of a videotape in which a child victim or alleged victim alleges, describes, or denies an act of physical or sexual abuse cannot be given to anyone without a court order.
- Your name may be made public upon a written finding by the court or if the information becomes part of an administrative or judicial proceeding. Public information means that anyone may see the information.

What are our responsibilities?

- We must let you know our legal duties and privacy practices, which we are doing by providing you with this notice.
- We must protect the privacy of your medical and other private information according to the terms of this notice.
- We may not use your information for reasons other than the reasons listed on this form unless we get special written permission from you. We may not share your information with individuals and agencies other than those listed on this form unless we get special written permission from you.
- We are required to follow the terms of this notice, but the privacy policy may change in the future. It might change because privacy laws change and require us to change our practices. When we change our privacy rules we will put them on our Web site at: http://edocs.dhs.state.mn.us/lfs/ Legacy/DHS-3979-ENG.

What privacy rights do children have?

If you are under 18, when parental consent for medical treatment is not required, information will not be shown to parents unless the health care provider believes not sharing the information would risk your health. Parents may see other information about you and let others to see this information, unless you have asked that this information not be shared with your parents. You must ask for this in writing and say what information you do not want to share and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information may be shared with your parents if they ask for it.
What if you believe your privacy rights have been violated?
You may complain if your privacy rights have been violated. You cannot be denied service or
treated badly because you have made a complaint. If you believe that your medical privacy was
violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a
written complaint either to the county agency, the organization or to the federal civil rights office
at:

U.S. Department of Health and Human Services
Office for Civil Rights, Region V
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice) or
toll free (800) 368-1019/(866) 282-0659
(312) 353-5693 (TTY/TDD)
(312) 886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights,
you may send a written complaint to the U.S. Department of Health and Human Services at the
address above, or to:

Minnesota Department of Human Services
Attn: Privacy Official
PO Box 64998
St. Paul, MN 55164-0998

Sign below to indicate that you have received this privacy notice.

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