

# INFORMED CONSENT FOR RELEASE OF INFORMATION

Revised 02-05-04

## **Informed Consent For Release of Information**

Informed consent means the data subject possesses and exercises sufficient mental capacity to make a decision which reflects an appreciation of the consequences of allowing the data requester to use the data in a new way. Informed consent is also the form signed by the data subject to authorize a new use for previously collected information.

## **Content of Informed Consent Form**

A proper Informed Consent Form must include these factors (unless otherwise prescribed by the HIPAA Standards of Privacy of Individually Identifiable Health Information [45 C.F.R. section 164](#)):

- Be written in plain language;
- Be dated;
- Designate the particular agencies or person who will get the information;
- Specify the information which will be released;
- Indicate the specific agencies or person who will release the information;
- Specify the purposes for which the information will be used immediately and in the future;
- Contain a reasonable expiration date of no more than one year.

See sample of Informed Consent Forms in the [Forms Section](#)

## **Relationship of Informed Consent to the Notice of Privacy Practices**

The Notice of Privacy Practices and Informed Consent for Release of Information are similar in that both deal with release of private data about individuals. If an agency has provided a Notice of Privacy Practices to an individual, it does not need to get signed consent to disseminate the data to the agencies or individuals listed on the form. It may need signed consent if the agency wishes to use previously collected data for a different purpose or to disseminate it to different agencies.

## **When Signed Consent Form Is Not Required:**

- To disseminate information for purposes previously communicated to the individual on the Notice of Privacy Practices.
- When federal or state law authorizes dissemination of data after the Notice of Privacy Practices has been given.
- When the Commissioner of Administration, upon application, approves a new use or dissemination of the data.

## **Consent For Release of Chemical Dependency Data**

When obtaining consent from individuals who are clients of chemical dependency programs, agencies must follow federal specifications for consent forms. [42 C.F.R., section 2.31](#). See [Chemical Dependency](#)