

CHAPTER 75-01-02

CONFIDENTIALITY AND THE SAFEGUARDING OF INFORMATION

Section

75-01-02-01 Confidentiality and the Safeguarding of Information

75-01-02-02 Confidentiality in Research Projects

75-01-02-01. Confidentiality and the safeguarding of information.

1. The use and disclosure of information concerning applicants for and recipients of aid to families with dependent children is limited to purposes directly connected with the administration of the following programs:
 - a. The aid to families with dependent children program.
 - b. The child support enforcement program and the work incentive program.
 - c. The community services program.
 - d. The medical assistance program.
 - e. The supplemental security income program.
 - f. Any other federal or federally assisted program which provides assistance in cash or in kind or services directly to individuals on the basis of need.

Purposes directly connected with the administration of such programs include the following: the establishing of eligibility; determining the amount of assistance; providing services for applicants and recipients; and the investigation and prosecution of any criminal or civil proceeding conducted in connection with the administration of any such program.

2. The use or disclosure of information concerning applicants for or recipients of medical assistance is limited to purposes directly connected with the administration of the medical assistance program.

Purposes directly connected with the administration of the medical assistance program include the following: the establishing of eligibility; determining the amount of medical assistance; providing services for applicants; and the investigation and prosecution of any criminal or civil proceeding conducted in connection with the administration of the medical assistance program.

3. The use or disclosure of information concerning applicants for or recipients of child support enforcement services under title IV-D of the Federal Social Security Act is limited to purposes directly connected with the administration of the following programs:
 - a. The child support enforcement program.
 - b. The aid to families with dependent children program; the child welfare services program; the work incentive program.
 - c. The old-age, survivors, and disability insurance program.
 - d. The supplemental security income program.
 - e. The medical assistance program.
 - f. The community services program.

- g. Any other federal or federally assisted program which provides assistance in cash or in kind, or services, directly to individuals on the basis of need.

General Authority: NDCC 50-06-15

Law Implemented: NDCC 50-06-15; 45 CFR 205.50

75-01-02-02. Confidentiality in research projects.

Notwithstanding any other provision of this title, a person engaged in a bona fide research project may have made available to that person records and information concerning persons applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department when such information is derived directly or indirectly from records, files, or communications received in the course of the administration of any such program or in the performance of official duties provided that all of the following conditions are met:

1. No identifying information shall appear in any report, summation, thesis, or other document arising out of the research project.
2. No identifying information shall be provided to a person engaged in a bona fide research project until that person shall submit a written proposal explaining and justifying the need to examine such information satisfactory to the department's institutional review board.
3. All documents received by the researcher and all documents containing identifying information made by or on behalf of the researcher, by whatever means, including handcopies, typewritten copies, or photocopies, shall be returned to the custodian of records who is responsible for the care of the documents on or before a date to be set by the custodian.
4. The researcher shall submit a written plan, explaining how all identifying information in the researcher's possession will be kept secure, to the department's institutional review board, who shall have the authority to determine if the plan is satisfactory, and who shall require written assurance that the plan will be implemented.
5. The researcher shall agree to provide to the department a copy of any report, summation, thesis, or other document arising out of the research project, and shall, in writing, consent to the use and reproduction of the document by the the department and human service zone, for purposes of training and informing the the department and human service zone's employees, agents, consultants, and volunteer staff members.
6. The researcher shall, in writing, agree to pay all costs of the the department and human service zone, incurred in the provision of copy or search services by such the department and human service zone.

History: Effective December 1, 1980.

General Authority: NDCC 50-06-15, 50-25.1-11

Law Implemented: NDCC 50-06-15, 50-25.1-11;45 CFR 205.50