

HOUSE BILL NO. 1115

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code,
2 relating to confidentiality of foster care records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-06-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-06-15. Confidentiality of information contained in records - Penalty.**

7 1. Individually identifiable information concerning an individual applying for or receiving
8 assistance or services under any program administered by or under the supervision
9 and direction of the department is confidential, except that any such information,
10 including an individual's social security number, may be used and disclosed:

- 11 a. In the administration of any such program;
- 12 b. In accordance with a program's participation in the department's master client
13 index data matching system, unless prohibited by federal law;
- 14 c. As specifically authorized by the rules of the department; or
- 15 d. As permitted or required by other law.

16 2. A vendor, agent, or contractor of the department must agree to maintain the
17 confidentiality of individually identifiable information disclosed to that person by the
18 department or by any individual applying for or receiving assistance or services and
19 may use and disclose confidential information only to the extent that person's
20 agreement with the department permits the use and disclosure of any such
21 information.

22 3. As used in this section, "individually identifiable information" means information,
23 including an individual's name, address, telephone number, facsimile number, social
24 security number, electronic mail address, program identification number, or any other

- 1 unique identifying number, characteristic, or code, as well as demographic information
2 collected from an individual, that:
- 3 a. Is created or received by the department; and
- 4 b. Relates to the past, present, or future assistance or services applied for or
5 received by an individual under any program administered by or under the
6 supervision and direction of the department that identifies the individual or with
7 respect to which there is a reasonable basis to believe the information can be
8 used to identify the individual. This includes an individual's entire foster care
9 record.
- 10 4. Any person who discloses, authorizes, or knowingly permits, participates in, or
11 acquiesces in the disclosure of any confidential information in violation of this section
12 is subject to the penalty provided in section 12.1-13-01.