

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.~~ for an Act to amend and reenact section
3 50-11-05 of the North Dakota Century Code, relating to the confidentiality of foster care records.

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

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

7 ~~— **50-06-15. Confidentiality of information contained in records – Penalty.**~~

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

12 ~~— a. In the administration of any such program;~~

13 ~~— b. In accordance with a program's participation in the department's master client~~
14 ~~index data matching system, unless prohibited by federal law;~~

15 ~~— c. As specifically authorized by the rules of the department; or~~

16 ~~— d. As permitted or required by other law.~~

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

23 ~~— 3. As used in this section, "individually identifiable information" means information,~~
24 ~~including an individual's name, address, telephone number, facsimile number, social~~

1 security number, electronic mail address, program identification number, or any other
2 unique identifying number, characteristic, or code, as well as demographic information
3 collected from an individual, that:

4 ~~a. Is created or received by the department; and~~

5 ~~b. Relates to the past, present, or future assistance or services applied for or~~
6 ~~received by an individual under any program administered by or under the~~
7 ~~supervision and direction of the department that identifies the individual or with~~
8 ~~respect to which there is a reasonable basis to believe the information can be~~
9 ~~used to identify the individual. This includes an individual's entire foster care~~
10 ~~record.~~

11 ~~4. Any person who discloses, authorizes, or knowingly permits, participates in, or~~
12 ~~acquiesces in the disclosure of any confidential information in violation of this section~~
13 ~~is subject to the penalty provided in section 12.1-13-01.~~

14 **SECTION 1. AMENDMENT.** Section 50-11-05 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **50-11-05. Contents of records not disclosed - Exception.**

17 The records of facilities licensed under this chapter and the records of the department and
18 its authorized agents, pertaining to the children or adults receiving care, are confidential ~~and~~
19 ~~may be made available~~ but may be disclosed:

- 20 1. In a judicial proceeding;
- 21 2. To officers of the law or other legally constituted boards or agencies; or
- 22 3. To persons who have a definite interest in the well-being of the adults or children
23 concerned, who are in a position to serve their interests, and who need to know the
24 contents of the records in order to assure their well-being and interests.