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	CHILD AND FAMILY SERVICES AGENCY Approved by: <u>Brenda Donald</u> Agency Director Date: <u>December 10, 2014</u>	REVISION HISTORY: February 12, 2009 May 5, 2009 October 21, 2012
	LATEST REVISION: December 4, 2014	
	EFFECTIVE DATE: February 29, 2009	

I. AUTHORITY	The Director of the Child and Family Services Agency (CFSA or Agency) adopts this policy to be consistent with the Agency's mission, and applicable federal and District of Columbia laws and regulations, and the <i>LaShawn A. v. Gray Implementation and Exit Plan</i> (December 17, 2010), DC Official Code 2-1706 Maintenance of Public Records, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and associated regulations promulgated by 45 CFR Parts 160, 162 and 164).
II. APPLICABILITY	This policy applies to all CFSA employees, including contracted employees and volunteers who may be responsible for filing or handling Agency case records.
III. RATIONALE	As the child welfare arm of the District government, as well as a cabinet-level agency, CFSA maintains extensive numbers of active and closed case and investigative records, all of which fall under the Agency's policy on confidentiality. Proper management of case and investigative records are essential for the Agency to continue meeting and maintaining best practice standards. CFSA records must be securely stored in accordance with local and federal regulations. Accordingly, CFSA has established policy to ensure compliance with the law as well as the development of secure, efficient, and effective management of all CFSA case records.
IV. POLICY	The <i>District of Columbia Public Records Management Act of 1985</i> (DC Law 6-19) mandates that any record created or received by the District of Columbia in the course of official business is the property of the District of Columbia. By law, such records shall not be destroyed, sold, transferred, or disposed of in any manner without consulting the relevant agency. This policy is set forth to ensure compliance with District law in addition to ensuring the efficient management, security, and confidentiality of all CFSA client records. Records are only made accessible to authorized entities and personnel in order to support the successful flow of the Agency's operational, regulatory compliance and litigation requirements. While the Records Management Unit (RMU) is responsible for the general oversight and maintenance of all active and closed CFSA cases, regardless of location, each program or unit must store and secure the active and closed case records within their respective programs, including records within the Child Protective Services (CPS) administration and the records of private providers. In collaboration with CFSA program administrators, RMU shall protect the legal rights of the Agency, its providers, and the recipients of services. For purposes of this policy, "secured storage" is defined as a specifically designated office area with locked file cabinets or areas with restricted entry that prohibit intrusion by unauthorized personnel.

V. CONTENTS	A. General Provisions B. Transferring Records C. Requesting Access to Records
VI. GUIDELINES	<p>Section A: General Provisions</p> <p>CFSA employees shall refer to the online <i>Client Records Management (CRM) Business Process</i> for detailed procedures associated with the policy guidelines under this section.</p> <ol style="list-style-type: none"> 1. Agency client records (including all documents and related volumes) shall remain the exclusive property of CFSA, regardless of where they are located and maintained. 2. The organization of records must include all required documents, appropriately filed and formatted in a manner established by Agency standards (<i>see CRM Business Process</i>). 3. CFSA client records and documents shall be stored, maintained, archived, and disposed of based upon approved DC Government record retention schedules and policies established in accordance with the DC Office of Public Records (OPR) (<i>see CRM Business Process</i>). 4. On a daily basis, each CFSA administration must remove copied or printed case record information from copiers, printers, and fax machines (<i>see the CFSA Confidentiality policy</i>). <ol style="list-style-type: none"> a. Any CFSA record containing protected health information (PHI) shall be deemed confidential and must be stored in a secure location in order to prevent access by unauthorized individuals. b. There are civil and criminal sanctions imposed for the negligent or intentional breach of PHI confidentiality (which includes medical, dental, and mental health information). 5. In the event of a lost case record, the assigned social worker or employee who was formerly in possession of the record must immediately contact his or her supervisor or program manager and report the loss. 6. If any actual, impending, or threatened unlawful destruction, defacement, or alteration of CFSA records is brought to the attention of any staff member, he or she shall immediately inform his or her supervisor program manager or administrator. 7. CFSA employees shall not remove case records from the premises except under the circumstances listed in the <i>RMU Business Process</i>. 8. CFSA-contracted private agencies shall maintain a hard copy of client records in the original CFSA standard six-section classification folder. <ul style="list-style-type: none"> • If a private agency decides to convert CFSA client records to a new format, the agency, at its own expense, shall convert the records back to the original CFSA standard six-section classification folder prior to transfer to a new agency or submission for case closure.

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	<p>Section B: Transferring Records</p> <ol style="list-style-type: none"> Any transfer of an active or closed record from one entity or individual to another shall be processed through RMU, including the following types of transfers: <ol style="list-style-type: none"> From and within CFSA programs Between CFSA programs and private agencies Archival transfers to and from OPR <ul style="list-style-type: none"> RMU is the only CFSA entity authorized to transfer records to OPR for archiving. Transferred records and any relevant documents shall be appropriately bound according to guidelines established in the <i>CRM Business Process</i>. All hard copy client records shall be transferred in the original CFSA standard six-section classification folder.
	<p>Section C: Requesting Access to Records</p> <ol style="list-style-type: none"> Access to active case, closed case, or finalized adoption records stored either in RMU or archived at OPR is restricted to the following: <ol style="list-style-type: none"> Requests based on the federal Freedom of Information Act (FOIA) Requests from approved or assigned CFSA personnel Requests involving open neglect cases in DC Superior Court Court orders RMU forwards all external requests for access client information to CFSA's Office of the General Counsel. RMU is the sole CFSA agent authorized to request access to records from OPR.

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