

Introduced by

Human Services 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 making reports confidential on providers and individuals applying for or receiving  
3 assistance or services under programs administered by the department of human services.

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:

6 (1) The past, present, or future assistance or services applied for or received by  
7 an individual under any program administered by or under the supervision  
8 and direction of the department that identifies the individual or with respect  
9 to which there is a reasonable basis to believe the information can be used  
10 to identify the individual; or

11 (2) A report, or any other information obtained, concerning an applicant or a  
12 provider of or an individual applying for or receiving assistance or services  
13 under any program administered by or under the supervision and direction  
14 of the department.

15 4. Except as otherwise specifically provided by law, a report concerning an applicant or a  
16 provider of or an individual applying for or receiving assistance or services under any  
17 program administered by or under the supervision and direction of the department, as  
18 well as any other information obtained, is confidential if the report is made in good  
19 faith, and may be disclosed to:

20 a. Authorized staff of the department and its authorized agents who further may  
21 disclose to persons who have a definite interest in the well-being of the adults or  
22 children concerned, who are in a position to serve their interests, and who need  
23 to know the contents of the records to assure the well-being and interests of the  
24 adults or children concerned.

25 b. Any person who is the subject of the report; provided, however, that the identity  
26 of the persons reporting or supplying information under this chapter is protected  
27 until the information is needed for use in an administrative or legal proceeding  
28 arising out of the report.

29 c. Public officials and their authorized agents who require the information in  
30 connection with the discharge of their official duties.

- 1           d. A court, including an administrative hearing officer, when the court determines the  
2           information is necessary for the determination of an issue before the court.
- 3           e. A person engaged in a bona fide research purpose approved by the department's  
4           institutional review board; provided, however, that no individually identifiable  
5           information as defined in subsection 3 is made available to the researcher unless  
6           the information is absolutely essential to the research purpose and the  
7           department gives prior approval.
- 8       4.5. Any person who discloses, authorizes, or knowingly permits, participates in, or  
9       acquiesces in the disclosure of any confidential information in violation of this section  
10      is subject to the penalty provided in section 12.1-13-01.