

Release of Information to the Client

For any program covered by Chapter 461 of the Oregon Administrative Rules:

- (1) The Department must make the information in a case record of a client available to the following people within the limits described in this rule:
 - (a) Anyone in the filing group.
 - (b) Anyone authorized by the primary person or by a person in the filing group.
- (2) The primary person and filing group members may have access only to client information that is related to the time during which they had that position in the case. The person can appoint an authorized representative whose access to client information covers only that same period.
- (3) The "minimum necessary" standard as described in OAR 407-014-0040 is extended to limit the sharing of individually identifying information by the Department about one member of a filing group with either another member of the filing group or anyone authorized by another member of the filing group.
- (4) Except for HIV information, case record information may be requested by the client and released to the client by telephone. The client must satisfy the branch as to the client's identity.
- (5) Except as provided in this rule and in OAR 407-014-0030(1), information obtained from a third party that is part of the case record of the client is available to the client.
- (6) The Department may withhold from a client information obtained from a confidential informant, including the identity of the informant, if all of the following are true:

- (a) The information was submitted to the Department in confidence.
 - (b) The information was not required by law to be submitted.
 - (c) The information can reasonably be considered confidential.
 - (d) The Department has obliged itself not to disclose the information.
 - (e) The Department is not using the withheld information in a contested case hearing in which the client is a party.
 - (f) The public interest would suffer if the information were disclosed.
- (7) Subject to OAR 407-003-0010 --
- (a) A client, an *authorized representative* (as defined at OAR [461-115-0090](#), [461-115-0140](#), and [461-115-0145](#)), or a *personal representative* (as defined at OAR 407-014-0000(29), including an attorney who represents the client on a matter before the Department) may request a copy of information from the client file at no cost once every 12 months. If the client, *authorized representative*, or *personal representative* requests another copy of the same information already provided more frequently than once every 12 months, the branch office may impose a reasonable, cost-based fee.
 - (b) If an authorized third party who is not an *authorized representative* or *personal representative* requests client records, fees may be assessed for accessing stored records, extracting filed matter, duplication of records, or other costs necessary to releasing requested information.
 - (c) A branch office may establish additional, reasonable fees to cover extraordinary costs of duplicating records, making extensive searches, or preparing written summaries of records.

- (d) At the option of the branch office, fee assessment may be waived.
- (8) An individual designated by the manager must be present while the client or the authorized third party has access to the case record. No one except a Department employee is allowed to remove any material from the case record. Subject to payment of any cost-based fee assessed by a branch office consistent with OAR 407-003-0010 and this rule, the branch office will provide the individual examining the case record a copy of any portion of the case record that the individual is entitled to examine.

Statutory/Other Authority: ORS [192.430](#), [409.050](#), [410.150](#), [411.060](#), [411.300](#), [411.320](#), [411.816](#), [412.014](#), [412.049](#), [412.074](#)

Statutes/Other Implemented: ORS [192.430](#), [192.440](#), [192.502](#), [409.010](#), [410.150](#), [411.060](#), [411.300](#), [411.320](#), [411.335](#), [411.816](#), [411.837](#), [412.014](#), [412.049](#), [412.072](#), [412.074](#)

There are no previous rules dated January 1, 2014 or after.

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