

Service Chapter: Administrative Procedures

Effective Date: July 1, 2025

Overview

This manual letter addresses the policies and limitations for releasing confidential information.

Description of Changes

1. Confidential Information that Must Not be Released 448-01-25-10-05 - Repeal

Information in this section is included in the new section Releasing Confidential Information.

2. Release of Information 448-01-25-15-30 – Change

This section is being revised and will contain information from the repealed sections.

3. Release/Disclosure of Information 448-01-25-15-30-05 - Repeal

4. Release of Information for Research Projects 448-01-25-15-30-10 - Repeal

5. Mailing or Distribution of Materials 448-01-25-15-30-15 – Repeal

6. Request for Information from Outside Sources 448-01-25-15-30-20 – Repeal

7. Client Request for Case File Information 448-01-25-15-30-25 - Repeal

Policy Section Updates**1. Confidential Information that Must Not be Released 448-01-25-10-05 - Repeal**

Certain information must not be released to any individual or agency, even when the applicant/recipient has signed a Release of Information. Information that must not be released includes:

- ~~Information obtained from the Internal Revenue Service (IRS). This information is the property of the IRS and is identified as UFO and BENDEX Wage hits received through the IEVS Interface. It may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.~~
- ~~Information obtained through the Vital Statistics Interface with the ND State Health Department. This information is the property of Vital Statistics office at the North Dakota Department of Health. Information received through the Vital Records interface may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.~~
- ~~Information obtained through the Unemployment Insurance Benefits (UIB) Interface with Job Service of North Dakota. This information is the property of Job Service North Dakota and may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.~~
- ~~Information obtained through Social Security Administration (SSA) Interfaces. This information is the property of SSA and may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.~~

~~NOTE: SSA information, with exception of BENDEX Wage, received through the interface may be released to the applicant or recipient with a signed release of information but cannot be released to any other individual or agency.~~

~~SSA information provided by the applicant or recipient may be shared upon receipt of a signed release of information from the applicant or recipient.~~

- ~~Information obtained through Systematic Alien Verification for Entitlement Program (SAVE) The information is received through an interface with the Department of Homeland Security and may only be used to verify immigration status of applicants and recipients who are not U. S. Citizens.~~

2. Release of Information 448-01-25-15-30 – Change

Overview

This section addresses the policies and limitations for Releasing Confidential Information. It is the responsibility of all staff to safeguard confidential information and to report any improper disclosures. For further information, please ask your supervisor for assistance or contact ecompliance@nd.gov.

Policy

Confidentially information includes Individually Identifiable Information; Personally Identifiable Information (PII); Federal Tax Information (FTI); Protected Health Information (PHI).

An Authorization to Disclose Information form, SFN 1059, is required before Releasing Confidential Information. Eligibility workers MUST receive a supervisor's approval before Releasing Confidential Information.

Handling Confidential Information

Confidential information the household has provided, or HHS has received for the purpose of determining eligibility for Economic Assistance and Health Care Coverage Programs, **CANNOT BE RELEASED** unless otherwise allowed by federal and state laws, federal regulations, and state administrative rules.

Generally, confidential information cannot be released to a third party without the written authorization of the applicant or recipient. There are a few exceptions:

1. A responsible adult non-household member authorized in writing by the household to act on behalf of the household (Authorized Representative). An Authorized Representative is associated with a client's account via SNF 405, in the SSP, or via the [SFN 1059, via Medicaid 1909 appendix c, or Medicaid 958.](#)
2. A legal representative provided HHS Legal has reviewed and approved the request.

3. Or as designated in the SFN 405 for the purpose of conducting collateral contact to verify information related on the household or household members for the determination of eligibility for Economic Assistance Programs or Medicaid.

The Confidential Information being released MUST never be an original. Verbal releases must only occur in an area and in a manner which protects confidential information. An Authorization to Disclose Information remains valid unless:

- The release specifies an expiration date, or
- The applicant, recipient, or a legal representative of an applicant or participant has revoked the Authorization to Disclose Information form.

Information that cannot be released

Certain information cannot be released, even when the applicant, participant, or legal representative of an applicant or participant has signed an Authorization to Disclose Information form. SPACES Interface information CANNOT be released even when the applicant or participant has signed an Authorization to Disclose Information, see 448-01-25-10-05. Authorization to Disclose Information forms must follow the requirements in the Confidentiality Manual. If you have questions, please escalate to a supervisor before releasing any Confidential Information. Documents containing Confidential Information CANNOT be released. Instead, these documents must be withheld.

Confidential Information that cannot be released includes:

- **Internal Revenue Service (IRS):** Information obtained from the Internal Revenue Service (IRS) is the property of the IRS and is identified as UFO and BENDEX Wage search results received through the IEVS Interface. It may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.
- **Vital Statistics:** Information obtained through the Vital Statistics Interface with the Public Health Division's Vital Statistics Office is the property of the Vital Statistics Office. Information received through the Vital Statistics Interface may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.
- **Job Service North Dakota:** Information obtained through the Unemployment Insurance Benefits (UIB) Interface with Job Service North Dakota is the property of Job Service North Dakota and may only be used to determine eligibility, ongoing

benefits or payments for Economic Assistance or Health Care Coverage Programs.

- **Social Security Administration (SSA):** Information obtained through Social Security Administration (SSA) Interfaces is the property of SSA and may only be used to determine eligibility, ongoing benefits or payments for Economic Assistance or Health Care Coverage Programs.

NOTE: SSA information, with the exception of BENDEX Wage, received through the Interface may be released to the applicant or participant with a signed Authorization to Disclose Information but cannot be released to any other individual or agency. SSA information provided by the applicant or participant may be shared upon receipt of a signed Authorization to Disclose Information from the applicant or recipient.

- **Information obtained through Systematic Alien Verification for Entitlement Program (SAVE):** The information is received through an interface with the Department of Homeland Security and may only be used to verify immigration status of applicants and recipients who are not U. S. Citizen.

3. Release/Disclosure of Information 448-01-25-15-30-05 - Repeal

~~In addition to purposes directly related to the administration of the Economic Assistance and Health Care Coverage programs, information concerning recipients may be released upon receipt of a signed Release of Information via SFN 970 – Multi-Agency Authorization to Disclose Information or SFN 1059 – Authorization to Release Information with the exception of Confidential Information that Must Not be Released at 448-01-25-10-05.~~

~~When a Release of Information is completed, the following information must be included:~~

- ~~• The name of the agency releasing the information;~~
- ~~• Who the information will be released to (name of agency or person);~~
- ~~• What specific information the recipient wants to release;~~
- ~~• What the information being released will be used for; and~~
- ~~• The date the recipient wants the release to expire.~~

The recipient determines the length of time a Release of Information is in effect. Time restriction cannot be imposed on the release of information if the recipient wishes to leave it open-ended. (The length of time may be days, weeks, months, years, a specific event terminating the release, or until the case closes.) The Release of Information automatically ends when the case closes. Upon reapplication, a new Release of Information must be obtained.

Recipients must be provided with a signed copy of any Release of Information.

If an eligibility worker is not sure they should be releasing information, the rule to follow is to request a Release of Information before disclosing any kind of information the household has provided for the purpose of determining eligibility for Economic Assistance and Health Care Coverage Programs.

4. Release of Information for Research Projects 448-01-25-15-30-10 - Repeal

Information concerning individuals applying for or receiving assistance or services through any program administered or supervised by the Department may be released to an individual conducting bona fide research, provided that all conditions outlined in Section 75-01-02-02 of the North Dakota Administrative Code are met. Information identified in section [448-01-25-10-05—Confidential Information that Must Not be Released](#) cannot be released to these individuals.

5. Mailing or Distribution of Materials 448-01-25-15-30-15 – Repeal

Any materials sent or distributed to applicants, recipients, providers or vendors must be limited to information related to the administration of Economic Assistance or Health Care Coverage Programs.

The following may not be sent or distributed to applicants, recipients, providers or vendors:

- Any information with political implications
- Holiday greetings
- Voting information
- Alien registration notices

~~Materials of interest to applicants, recipients, providers or vendors such as announcements of free medical examinations, availability of surplus foods, and consumer protection information, may be mailed or distributed.~~

6. Request for Information from Outside Sources 448-01-25-15-30-20 – Repeal

~~Community fraternal and charitable organizations sometimes request the names of individuals and families for the purpose of distributing Christmas baskets, toys, etc. Families and individuals should be informed of such requests from outside sources and their permission obtained before the information is released. [SFN 1059](#) – Authorization for Release of Information, should be used to record the recipient's permission. Only necessary information should be provided in these situations such as name, address, telephone number, household size, etc.~~

~~If the request for information involves a genuine emergency in which the life or health of a member of the family may be in jeopardy and the individual's consent for the release of information cannot be obtained, the needed information should be provided and the individual notified as quickly thereafter as possible.~~

7. Client Request for Case File Information 448-01-25-15-30-25 – Repeal

~~An applicant or recipient, their authorized representative or legal representative, can have access to the applicant or recipient's case records, subject to limitations defined in the Confidentiality Manual at 110-01-35 located on the County Intranet in the 'Legal' folder. In addition to the limitations defined in the Confidentiality Manual 110-01-35, the following items must be removed from the casefile prior to review by the applicant, recipient or authorized representative:~~

- ~~• Federal tax return information received through computer match on IEVS (UFO). This information received through the database from the Internal Revenue Service is the property of the IRS and remains the property of the IRS.~~
- ~~• Social Security Administration information received through a computer match on IEVS (wage information, dividends, self-employment, and pensions).~~
- ~~• Information received from the Vital Statistic Interface owned by the Vital Statistics office at the State Health Department~~

