

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-2.1-v1

Effective Date: July 1, 2008

Last Revision: March 31, 2021

CHAPTER 2: Client Information and Case Requirements

Section 2.1: Protection, Use and Release of Client Information

I. Policy Statement

The purpose of this policy is to provide guidance regarding protection of personal information. The policy also addresses the conditions for accessing and releasing this information.

II. Authority

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. § Protection, use, and release of personal information 361.38 (a-e)
- A.R.S. §§ 23-502 and 503
- Arizona Administrative Code, Title 6, Chapter 4: Confidentiality R-6-4-405
- DES Policy:
 - Safeguarding Protected Information 1-07-07
 - Secure Email Policy 1-38-0079
- DES Procedure Secure Email 1-38-8350

III. Applicability

This applies to applicants, clients and/or their legal guardians who wish to obtain specific or all VR records listed in their electronic case file, have another individual represent them, or to dispute inaccurate information. They must:

- A. Complete and submit the Authorization for Release of RSA Records form to the RSA Custodian of Records via email at RSARecords@azdes.gov to request records.

- B. Complete the Client Authorized Representative form to authorize another individual to be present at all VR proceedings and act on their behalf as noted on the form.
- C. Submit a written request for an information amendment specifying the information they believe is inaccurate or misleading pertaining to their VR record(s).

IV. Standards

- A. VR must inform applicants/clients of:
 - 1. The policies regarding the protection, use, and release of their personal information.
 - 2. When the provision of information requested by VR is optional.
 - 3. The potential impact of not providing requested and vital information which may result in adverse case decisions.
- B. VR must only share information identifying the individual as a VR applicant/client with:
 - 1. Persons directly concerned with the administration of the applicant/client's VR program,
 - 2. The applicant/client's legal guardian, and/or
 - 3. Others authorized as per the applicant/client's Client Authorized Representative form and/or Authorization for Release of RSA Records.
- C. VR may release an applicant/client's personal information without the applicant/client's written consent under the following circumstances:
 - 1. To protect the applicant/client or others when the applicant/client poses an immediate threat to their or to the safety of others,
 - 2. To report to Adult Protective Services, or any law enforcement officer, any incidents of documented or suspected adult abuse,
 - 3. To report abuse, physical injury, neglect, and denial or deprivation of medical or surgical care or nourishment of minors per Section 2.6 of this manual,
 - 4. In response to investigations in connection with law enforcement investigations,
 - 5. In response to investigations from the DES Office of Special Investigations (OSI) when OSI is acting in an official capacity on behalf of the Director of DES,

- 6. In other situations, required by law.
- D. Information must be limited to the extent the information is necessary to achieve the goals for which the information is being provided.
- E. VR must only release records/information that is purchased by VR.
- F. Information obtained from another agency or organization, may only be released by the agency or organization from which it originated.
- G. Potentially harmful records must be released through a third-party source chosen by the applicant/client. The third-party can aid the applicant/client in appropriately interpreting the information being provided.
- H. Requests for release of VR Records must be submitted to Custodian of Records within two business days of receipt.
- I. The Custodian of Records must:
 - 1. Consult with the Arizona Attorney General's office prior to the release of information based on criteria IV (C) (4-6) of this section to ensure the legality of the release.
 - 2. Begin processing the request for release of RSA records within 24 hours of receipt.
 - 3. Include a list of all the requested items with the records sent to the requestor.
 - 4. Provide a rationale for not sending any of the records included in the original request when warranted.
 - 5. Provide information on how to obtain excluded records from the original request.
- J. A client's request for an information amendment may be approved or denied by VR.
- K. All requests for information amendments and subsequent action must be documented in the client's ECF.

V. Procedure

- A. Refer to IV. H, I, and K above.
- B. Refer to Standard Work - Request for RSA Records.

VI. Documentation Requirements

The applicant/client's electronic case file must include the following documentation:

- A. Release of RSA Records form, if applicable.
- B. Client Authorized Representative form, if applicable.
- C. A written request for an information amendment, if applicable.