

## Chapter HSS 244

### CONFIDENTIAL NATURE OF RECORDS

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**(1) RECORDS AND OFFICES AFFECTED.** Pursuant to s. 49.53, Stats., case records and all financial data pertaining thereto on file in the county agency administering aid to dependent children, medical assistance, food stamps, social security aid payrolls on file in the offices of the county clerk and county treasurer, and old age assistance liens filed in the office of the register of deeds fall within the purview of this section.

**(2) ADMINISTRATIVE AGENCY RECORDS.** (a) *Custody.* All agency records shall be safely kept and shall not be removed from the files and offices except when in the custody of a responsible official or employe of the agency.

(b) *Inspection of records.* Inspection of agency records by persons other than employes of the county agency administering aid to dependent children, medical assistance, and food stamps of the state department of health and social services and of the federal department of health and human services shall be permitted only pursuant to signed request and written permission of the chief administrative officer of the agency, and a record shall be kept of said permission; provided that officials of the county shall not be required to sign such a request but shall be entitled to secure information for any purpose connected with the administration of the social security aids in accordance with the provisions and limitations of the law.

(c) *Privileged communications.* Social and medical information shall be deemed to be strictly confidential.

**(3) ADMINISTRATIVE USES DEFINED.** (a) Use of disclosure of information concerning applicants and recipients for any purpose connected with the administration of aid to dependent children, medical assistance and food stamps shall be deemed to permit providing pertinent information to other agencies administering relief, providing hospital or medical care or service, to assist applicants or recipients or their families so as to ameliorate or eliminate public dependency and to assure economical expenditures of public funds.

(b) The use or disclosure of financial information secured by proper public officials from the records of the county treasurer or county clerk in connection with fiscal governmental functions is deemed to be for a purpose directly connected with the administration of the social security aids within the meaning of s. 49.53, Stats.

(c) The use or disclosure of information secured from old age assistance liens filed in the office of the county register of deeds in connection with a proper search of title is deemed to be for a purpose directly connected with the administration of old age assistance within the meaning of s. 49.53, Stats. The use or disclosure of any information secured in the course of any search of such records in the office of the register of deeds for any purpose is hereby prohibited in accordance with the terms of s. 49.53, Stats.

**(4) RESPONSIBILITY FOR USE OF INFORMATION.** In the event that information is supplied from the case records or any other source, the person or agency so informed will be held responsible for the proper use of such information.

**(5) SUBPOENAS.** Subpoenas duces tecum for the production of agency records containing information concerning applicants and recipients of aid to dependent children, medical assistance and food stamps shall be obeyed except that objection shall be raised

that s. 49.53, Stats., prohibits the production of such case records for any purpose not connected with the administration of such aids, pensions, or assistance.

**(6) HEARINGS.** Hearing under s. 49.50 (8), Stats., shall be public or private in the election of the applicant or recipient.

**(7) PUBLIC NOTICE.** A printed notice containing the pertinent laws and rules relating to the misuse of the index of old age assistance liens shall be posted in plain view in the offices of the register of deeds:

#### PUBLIC NOTICE

Persons using the index to old age assistance liens or other records relating to old age assistance are hereby notified of the legal restrictions relating to the proper use of such information.

Federal Social Security Act, Title I, Sec. (2) (a): A state plan for old age assistance must provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of old age assistance.

*Section 49.53, 1971 Wisconsin Statutes: "LIMITATION ON GIVING INFORMATION.* (1) Except as provided under sub. (2), no person may use or disclose information concerning applicants and recipients of aid to families with dependent children, social services under s. 49.01, or supplemental payments under s. 49.177, for any purpose not connected with the administration of the programs. Any person violating this subsection may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

(2) (a) *Each county agency administering aid to families with dependent children shall maintain a monthly report at its office showing the names and addresses of all persons receiving such aids together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in such report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, aid furnished to or in behalf of unmarried mothers under s. 49.19 (4) (d) and (g), or aid furnished for the care of children in foster homes under s. 49.19 (10).*

(b) *Such report shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person except any public officer, seeking permission to inspect such book shall prove his identity and shall be required to sign a statement setting forth his address and his reasons for making such request and indicating that he understands the provisions of par. (c) with respect to the use of the information obtained. The use of a fictitious name is a violation of this section. Within 72 hours after any such record has been inspected, the agency shall mail to each person whose record was inspected a notification of that fact and the name and address of the person making such inspection. The agency shall keep a record of such requests.*

(c) *It is unlawful to use any information obtained through access to such report for political or commercial purposes. The violation of this provision is punishable upon conviction as provided in sub. (1)."*

HSS 244.01 (3) (c) paragraph "c". "The use or disclosure of information secured from old age assistance liens filed in the

office of the county register of deeds in connection with a proper search of title is deemed to be for a purpose directly connected with the administration of old age assistance within the meaning of section 49.53, 1971 Wis. Stats. The use or disclosure of any information secured in the course of any search of such records in the office of the register of deeds for any other purpose is hereby prohibited in accordance with the terms of section 49.53, 1971 Wis. Stats.”

HSS 244.01 (4) “Responsibility for use. In the event that informa-

tion is supplied from the case records or any other source, the person or agency so informed will be held responsible for the proper use of such information.”

STATE DEPARTMENT OF HEALTH & SOCIAL SERVICES

Wilbur J. Schmidt, Secretary

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