

INTERPRETIVE MEMO

All Programs Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Facing page 2000 Effective date of this memo December 15, 2016 Page 1 of 2

This memo: is new Replaces one dated January 24, 1997

Several laws govern the disclosure of applicant or recipient information obtained or created by ESD. The purpose of this Interpretive Memo is to clarify the circumstances under which information pertaining to applicants for or recipients of assistance can be disclosed.

Information can be disclosed under the following conditions:

- A. **The individual has signed an authorization to release information consenting to the release of information to another party.**
- B. **The information will be used only for purposes directly related to the administration of the Department.** Examples include:
 - providing information to an individual’s representative when a fair hearing has been requested (the AAG representing the department will coordinate the sharing of applicant/recipient records)
 - providing information about eligibility coverage to medical care providers
 - providing information regarding social security numbers and amount of benefits to the Social Security Administration
 - sharing information about mutual clients with other departments within the Agency of Human Services for legitimate program purposes
 - providing information about eligibility for burial assistance, and client resources to funeral homes for burial arrangements

This **does not** include sharing information with a third party (e.g., Vermont Legal Aid, the individual’s private attorney, Community Action advocates) intervening on the individual’s behalf regarding a Department decision or action when a fair hearing has not been requested. In this situation, a signed authorization to release information must be obtained before any information may be disclosed.

- C. **The disclosure of information is required by law.** Examples include:
 - providing information in response to a court order enforcing a subpoena (a subpoena alone is insufficient to compel the Department to disclose information)
 - providing information pursuant to federal reporting requirements

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When ESD staff receive a request for information under the claim that the disclosure of such information is required by law, the staff member must refer the matter to an ESD Benefit Programs Policy Analyst.

D. A federal, state, or local law enforcement officer has requested information about a 3SquaresVT household member. The address, social security number, and, if available, photograph of any member of a 3SquaresVT household shall be made available, on request, to any federal, state or local law enforcement officer if the officer furnishes the Department with the name of the member and demonstrates that all three criteria below are met:

1. The member:
 - a. is fleeing to avoid prosecution or custody or confinement after conviction for a crime (or attempt to commit a crime) that, under the law of the place the member is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under federal or state law; or
 - b. has information that is necessary for the officer to conduct an official duty related to paragraph a above; and
2. locating or apprehending the member is an official duty; and
3. the request is being made in the proper exercise of an official duty.

ESD staff must refer requests for information from law enforcement to an ESD Benefit Programs Policy Analyst.