

§1303.20 Establishing procedures.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.2	Director, All Managers	All Staff	Ongoing	

A program must establish procedures to protect the confidentiality of any personally identifiable information (PII) in child records.

The Head Start Program Performance Standards encourage strong communication, cooperation, and information sharing among agencies in order to improve the delivery of services to children and families. While most of the family information a staff person gathers should not be shared with others, it may be essential to disclose objective information to other professionals. The sharing of pertinent information with other Head Start staff or partners within the community ensures that the programs are working together as a team to support the family. However, information sharing must be in accordance with the Head Start Program Performance Standards as a whole, and as outlined in this section.

Overview of Confidentiality

The Need for Confidentiality

One of the most important issues at the heart of all human services work is confidentiality. Confidentiality is an issue that programs deal with every day. When determining eligibility for services and providing needed and appropriate resources, human service agencies require that children and families share very private information about themselves. It is our obligation to ensure that this information is released only when necessary and with permission.

The information becomes beneficial when the **correct amount** of information is shared in time to plan and deliver services to the parent and child. Confidentiality is based upon the basic rights of the parents; it is an ethical obligation of the service agency worker and is necessary for effective services delivery. The word **confidentiality** comes from the word **ability** and **confidence**: able to keep information held in confidence. Privacy, ethics, and trust all make up a concept known as confidentiality. Every human service worker has the obligation... to respect the integrity and promote the welfare of the family with whom they are working (American Personnel and Guidance Association Ethical Standards, 1961).

Solers and Peters (1993) list several reasons for protecting the privacy of children and families when providing services to them:

- “Confidentiality restrictions *protect embarrassing personal information from disclosure*. This information may include histories of emotional instability, marital conflicts, medical problems, physical or sexual abuse, alcoholism, drug use, limited education, or erratic employment.

- Confidentiality provisions also *prevent the improper dissemination of information about children and families that might increase the likelihood of discrimination* against them. Such information—about HIV status, mental health history, use of illegal drugs, or charges of child abuse—can be harmful if released. Harm can occur even if records show that the information is unproven or inaccurate.
- Protecting confidential information can be necessary to *protect personal security*. For example, in a domestic violence situation, an abused woman who leaves home may be in great danger if her new location is disclosed.
- Confidentiality provisions also *protect family security*. Many immigrant families, for example, shy away from using public health clinics or other social services for fear that the Immigration and Naturalization Service will take action against them.
- Restricting the information that human services agencies receive may also *protect job security*. Some information—such as a history of mental health treatment—may have no connection with a person’s actual job performance but could jeopardize the individual’s position, likelihood of promotion, or ability to find new positions.
- Children and families may also want to *avoid prejudice or differential treatment* by people such as teachers, school administrators, and service providers. Teachers may lower their expectations for the children they know are eligible for food stamps or free school lunches. This may set in motion a self-fulfilling prophecy in which lowered expectations lead to lowered performance.
- Confidentiality provisions may also be necessary to *encourage individuals to make use of services designed to help them*. Adolescents may avoid seeking mental health services at a school-based clinic, for example, if they believe that information will get back to their teachers, parents, or peers.” (pp. 6-7)

Families need to be assured their information is kept confidential because it allows people to seek help without fear of stigma, retaliation, disapproval, or damage to other relationships. Confidentiality encourages both disclosure and the maintenance of trust, both essential for effective social service delivery.

Need to Know

In Head Start, before we can help a family, we quite often need to know many things about them. In general, the more that is known about a family, the better they can be served. Staff members gather important information about the family through records, conversations, home visits, or family conferences. During these formal and informal activities, family members often provide details of family life. Having more information about the family allows staff to respond appropriately, however staff should not pry deeper into a family’s personal affairs than is necessary.

It is essential that intimate information is not circulated beyond the limits of the professional relationship. We need to be certain that what is communicated as private information remains private. The parent’s rights, however, are not absolute (e.g., in relation to child abuse cases.) Moreover, the parent’s information may be shared with other staff within the agency on a “need to know” basis. If

another member of the staff that works with the family needs specific information in order to provide appropriate, quality services to the child and/or family, that information should be shared with the staff. Likewise, if a staff member needs to consult a manager to get advice or feedback, information may be shared. Staff members are required to avoid sharing unnecessary information about families and children that receive our services. There are times that staff may wish to consult a peer group or management group about a particular situation or issue that involves a family. When the purpose is to get additional expertise or ideas on how to address or cope with the situation, that technique is encouraged. However, in most cases, the situation can be described without disclosing the child or family name and without divulging details that would disclose their identity.

In our agency, staff usually work in an office with several other staff members. We often overhear each other's phone conversations relating to work that we do with families. It is the responsibility of each staff member to maintain the confidentiality of that information, as we would any family information, and refrain from discussing information that does not pertain to your position in the agency or the job responsibilities that you have with the family or child.

Release Forms

Solars and Peters (1993) state that a release form generally contains the following information:

- ❖ “The name of the person who is the subject of the information
- ❖ The name of the person, program, or agency sharing the information
- ❖ The name of the person, program, or agency with whom the information will be shared
- ❖ The reasons for sharing the information
- ❖ The specific information that will be shared
- ❖ The signature of the person (parent or guardian if the subject is a child) who is the subject of the information
- ❖ The date the release is signed
- ❖ A statement that the release can be revoked at any time by the subject of the information
- ❖ An expiration date for the release or specific event (such as end of program) that will terminate the release” (p.12)

The information stated on a release form should be very specific, rather than a blanket statement. For example, when forwarding a screening on a child to another agency, the release should state DIAL-4 Screening, rather than education information. Education information could be interpreted to mean all paperwork/records related to the child's educational program, including conversations about behavior in the classroom, etc. The parent should always be able to tell from the release exactly what information will be shared. **Conversations with other agencies should be factual** and limited to the information stated on the release- avoid using sweeping generalizations. If other agencies ask for information

beyond the scope of the release, then staff needs to tell them that we do not have permission from the parent to discuss that type of information.

When completing a release, all information should be completed before the parent signs it. Nothing should be blank at that point and nothing should be added to the release after the parent signs it.

See 1302.22 (a) in this section for specific instructions on completing and using release forms.

Client Confidentiality

Always obtain written family consent when sharing information. All family/child information is confidential, including the fact that they are enrolled in our program.

Always obtain family consent when inviting others to team meetings, such as IEP meetings.

Keep family files secure.

Respect the confidence co-workers' share with you.

Confidentiality and Electronic Media

Computer Files

All agency electronic devices are protected by login and passwords. These passwords are systematically assigned by the Information Systems Manager and are changed periodically. Staff should not share their passwords with anyone else or write them down in an easily accessible location. Staff may not enter any child/family information onto any computer or other electronic device that is not password protected with accessibility limited only to the staff member.

PACT utilizes Child Plus software for child and family record tracking. Staff who are authorized to use Child Plus are assigned a login and password by the Director or designee. At the time of password assignment, the Director or designee sets up accessibility in Child Plus, allowing edit and view access to various sections of the Child Plus data system based on staff position/need. Only the Director and the Personnel Manager have access to personnel files on Child Plus. Supervisors may have access to personnel file attachments on ChildPlus that are considered DCFS Staff documents, which are kept at centers in paper files, currently. When a staff with access to Child Plus leaves the agency, the Director or designee is responsible for blocking the former employee's accessibility to Child Plus.

PACT uses Teaching Strategies GOLD online child assessment system to track children's development throughout their enrollment in the program. The staff are limited to their classroom or area, depending on their staff position or need. The Director, Education Coordinators, and Site Supervisors are Administrators in the TS Gold system and de-activate Staff logins when they leave the agency.

Cell Phones

Staff members who use personal cell phones to text and/or call Head Start families need to follow all agency confidentiality procedures when doing so. If names and numbers of families are entered into the phone directory, only first names should be entered, with no additional identifying information. Texts to and from Head Start families should be deleted immediately. If phones are used to take pictures of enrolled children for portfolios, etc. children should not be identified in the pictures and the pictures

should be uploaded to an agency computer at the end of the day, then deleted from the phone. Use of personal cell phones for agency pictures is discouraged as each classroom/home based staff member is provided with an agency iPad for that use. If staff members allow their personal family and friends to access/use their phone, Head Start children and family info should not be on the phone.

Laptop/iPad/Tablet Usage

1. iPads are for work use only.
2. Please be aware that extended extreme heat or cold can be damaging to the equipment, particularly when left in vehicles.
3. Laptops that are shared with others should be returned to a predetermined location in the building after use to allow use from others.
4. Passcodes and security can be personalized; contact Information Systems Manager if you do this. Supervisors will be checking equipment during the record monitoring process. If the Information Systems Manager is not aware of the change, it could result in a hardware reset and complete data loss.
5. iPads have been preconfigured. Do not download any additional applications, music, etc. Their primary use is for children's ongoing assessments. When additional applications are added, they will be added to the iPads by the Information Systems Manager through remote means.
6. Please do not remove the iPads from the protective cases.
7. If you are not employed year-round, iPads will be returned to the Information Systems Manager at the end of the program year during the check-out process.
8. Personal accounts are NOT allowed on iPads; be aware that devices may be wiped and reset at any time. PACT is not responsible for data loss on personal accounts.

Social Media

Site Supervisors, Managers, and Coordinators may post center-based or home-based activities with the permission of the staff and families on file. See Standard Operating Procedures Manual, Media Policy for Program Events.

Disposal of Records

Paper files of children/families from previous years are stored in the locked Camp Point Office for five years. On an annual basis, the Office Manager arranges for the shredding of the oldest year of records. Record shredding is completed off site in a confidential manner by a contracted company, with oversight by the Office Manager.

Personnel records of past employees are stored in locked files at the Pittsfield Center and at the neighboring Pike County Christian Academy, next to that center. These records are kept indefinitely, with access limited to the Personnel Manager and the Director, either on paper or on electronic storage.

Children and family records are also stored electronically on the ChildPlus database system, archived, and deleted after five years.

Fiscal records are stored in locked areas. The Chief Financial Officer is responsible for ensuring that the fiscal records designated as "permanent" are labeled as such and stored. The Chief Financial Officer designates those records that can be shredded each year during the annual record shredding process.

Permanent agency and fiscal records are also being scanned and stored electronically with access limited to CFO and Director or designee.

Daily Work Disposal

Temporary records/reports that contain child/family information, employee information, and fiscal information such as Child Plus reports, MIP reports, monitoring reports, and other sources used for short term work, shall be disposed of by shredding once they are no longer in use. Small shredders are available at offices and centers to be used by staff. Any paper reports that contain identifying child/family/staff information shall not be disposed of by placing in garbage cans.

Worker Confidentiality

Employee Reference

It is the policy of PACT that an Employee Reference Release Form is provided for the worker to complete should they be aware that an agency will be calling to verify employment and/or salary information. The Employee Reference Release Form will be made available to employees upon orientation. An employee may sign the Employee Reference Release Form at any time while the employee is employed at PACT. Worker confidentiality also pertains to the release of information to creditors, outside organizations, governmental agencies to name just a few, which is further outlined in the Standard Operating Procedure Manual. References, employment verification and salary information may only be released by the central office. Staff's home or cell phone numbers and/or addresses should not be released to anyone under any circumstances without written permission from the staff person.

See Standard Operating Procedure Manual for further information regarding Worker Confidentiality and the release of employee information.

Personnel Information

It is the policy of PACT that all workers' personnel files be maintained in a locked file in the Personnel Manager's Office. These files are confidential and will be treated as such. Only the Executive Director, Personnel Manager, Supervisor or prospective Supervisor, and the worker can review the personnel file. Immediate Supervisors can see only job-related information.

See the Standard Operating Procedure Manual for further information regarding the maintenance of personnel files.

Disciplinary Matters

Disciplinary actions imposed upon employees are confidential in nature and are not to be discussed with other Management Members not directly involved or who do not have a need to know (as determined by the Executive Director.) All disciplinary actions imposed by the supervisor must be discussed with the Executive Director prior to action being taken against the employee.

Review the Standard Operating Procedure Manual for further information regarding employee disciplinary matters and procedures.

Ensuring Confidentiality

You may realize that there are seldom clearly defined foolproof ways to guarantee confidentiality in the work we do with families. Rather, we need to have an intuitive understanding of the guiding principles related to ensuring confidentiality and making careful decisions on a case by case, day by day basis. For example, we always need to share pertinent information with other component staff and the Director to ensure that we all work together as a team. At the same time, we must be careful to respect the privacy of families and to avoid talking about personal incidents in families' lives that, at best could only be termed as gossip.

In the Home

- < Confidentiality means keeping what parents and family members share with PACT staff **private**.
- < Families need to understand that information will be kept strictly confidential unless they authorize its release in writing. If the parent signs a release, they will need to understand what information will be shared and with whom in order for you to provide assistance.
- < Review confidentiality with your families from the very beginning.
- < Parents will be more open and honest in their responses to requests for personal information if they believe that you will respect their need for privacy and maintain confidentiality.

In the Classroom

- < Refrain from discussing a child with a parent in the classroom while the child is present unless the conversation is **positive**. This rule also applies in the home.
- < Limit discussion of children's behavior in the classroom with volunteers only to information that is on a need-to-know basis.
- < When posting information such as medical alerts, bus route information, and dietary accommodations, use the child's first name only or first name and last initial if necessary.
- < This information needs to be readily available to staff and substitutes to ensure children's safety, but we need to avoid having the information easily available to the casual observer (without the need to know) to read.
- < While we encourage parents to network with each other, parents must be in charge of what information they wish to share with each other. Parents may ask staff questions about other families, such as "where does Tom's dad work now" or "is Anna's mom getting married this week-end?" The questions may stem from genuine interest and caring about each other, but it is not staff's role to determine the motive. Staff should let the person asking the questions know that because of our program confidentiality policy that we cannot discuss personal information about families with anyone and suggest that they talk with the other parent directly.
- < When parents have other people listed on the release of children form, those picking up the child may ask the teacher questions about the child's behavior, educational development, etc. When you know that someone other than the child's parent will be picking up the child routinely, you should discuss that with the parent and ask them what information they want you to share with that person. The parent may want to use that person as a conduit for information about their child's daily activities, behavior, etc. If so, then obtain a release, signed by the parent, giving you permission to share that information on a daily basis. If you do not have that release and need to get information to the parent, then you need to contact the parent directly.

In the Workplace

- < When records are located at the Central Office, in the classroom, or in a field office, the files must be maintained in a locked file cabinet, drawer, file box, or desk.
- < All files must be locked before the staff member leaves that classroom or office for the day.
- < When records are in a program or personal vehicle, the vehicle must be locked, or records locked in the trunk when the vehicle is unattended.
- < Staff going on home visits should only take the records of that child or family into the home. No other child or family's records are taken into another person's home.
- < All working files will be removed, covered, or turned over to prevent others from viewing the files when people other than staff maybe in the building, if the employee cannot be at his or her desk for a period of time.
- < Computers being used for child/family information shall be password protected and logged off when worker leaves the computer for period of time and/or when other staff have access to the computer
- < Conversations with coworkers should be limited to a need-to-know basis and conducted in a positive manner that conveys respect for the family, no matter their situation and needs

In the General Public

- < Respect the families that you work with by refraining from having or allowing continuation of a conversation that may be gossip and/or as hearsay.
- < Remember which family signed the Permission and Consent from Parents release form allowing their child's picture to be used in a public manner.
- < As you first begin working with a family, explain that you might meet each other in public while you are with a family member or a friend. Ask your parent if they are comfortable with you introducing them as a PACT family.
- < People in the community or from other agencies may know that a child is enrolled in Head Start because the family has shared that information, or they have seen PACT staff enter the home or the bus pick the child up. However, we should not confirm that information without that parent's written permission. If someone asks you if Johnny is in Head Start or you are Johnny's teacher, you should tell them that because of the program's policies on confidentiality, you cannot discuss that information. You should also tell them that if there is an issue that they need to discuss with Head Start concerning a specific child or family, that if they obtain a release from the family and send it to us, then we can share the information noted on the release.
- < As a staff person working with a family, it is your responsibility to know what releases have been obtained from a family and what that release gives you permission to share. We want to avoid telling an agency that we cannot give them information if we already have a release on file giving us permission to do so. Just as it is important to maintain confidentiality, it is just as important to release needed information (with permission) on a timely basis in order for families to receive quality services within their community.

§1303.21 Program procedures – applicable confidentiality provisions.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.21	Dis/MH Coordinator	All Staff	Ongoing	

(a) If a program is an educational agency or institution that receives funds under a program administered by the Department of Education and therefore is subject to the confidentiality provisions under the Family Educational Rights and Privacy Act (FERPA), then it must comply with those confidentiality provisions of FERPA instead of the provisions in this subpart.

PACT is not an agency that receives funds from the Department of Education.

(b) If a program serves a child who is referred to, or found eligible for services under, IDEA, then a program must comply with the applicable confidentiality provisions in Part B or Part C of IDEA to protect the PII in records of those children, and, therefore, the provisions in this subpart do not apply to those children.

PACT ensures PII data, information and records collected for children covered under Part B or Part C of IDEA are kept confidential.

§1303.22 Disclosures with, and without, parental consent.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.22 (a)	All Managers	All Staff	Ongoing	

(a) Disclosure with parental consent.

(1) Subject to the exceptions in paragraphs (b) and (c) of this section, the procedures to protect PII must require the program to obtain a parent’s written consent before the program may disclose such PII from child records.

(2) The procedures to protect PII must require the program to ensure the parent’s written consent specifies what child records may be disclosed, explains why the records will be disclosed, and identifies the party or class of parties to whom the records may be disclosed. The written consent must be signed and dated.

(3) “Signed and dated written consent” under this part may include a record and signature in electronic form that:

(i) Identifies and authenticates a particular person as the source of the electronic

consent; and,

(ii) Indicates such person's approval of the information.

(4) The program must explain to the parent that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive and therefore it does not apply to an action that occurred before the consent was revoked.

A child's official file is at the Central Office and consists of health, education, eligibility, social service, and disability files, and can be kept on the electronic database management systems, ChildPlus.

PACT requires a written release signed by the parent to release records to an outside agency. The Office Manager receives the request and coordinates gathering the information requested to release to an outside agency. If site supervisors or home-based teachers receive a request for records, forward it to the Central Office.

For disclosure of information originating with PACT, the following sections in these work plans give detail on how to disclose and obtain information:

See 1302.12 (i) for procedures on *Social Service Release of Information, Request for Income Verification* to determine eligibility.

See 1304.23 (b)(1) for health-related procedures on *Social Service Release of Information* and *Authorization for Release of Protected Health Information*, 1304.44 (a) (1) for procedures on *Authorization for Release of Protected Health (Dietary) Information*, and 1302.47 (7) (i) for procedures on all *Medical Alert- Asthma Action Plan, or Medical Alert-Emergency Health Plan and procedures on Authorization for Release of Medical Plan*.

See 1302.52 (a)(b)(c)(1-3) for procedures for on the *Social Service Release of Information* when making a referral to an outside agency, and 1302.52 (d) for releasing or obtaining information on pre-existing family plans, and for contacting and sharing information on an individual family in the work of community partnerships and advocacy.

See 1302.53(a)(iii) for procedures on the *Social Service Release of Information* to obtain or release information on foster children.

All information to and from agencies or outside individuals, concerning a family, must contain a release form completed by the parent or, with the aid of a staff member if necessary. In addition, all forms, whether originated by PACT or received by PACT will contain the specific information/records that will be shared, the reason for sharing the information, and the name of the person, program, or agency with whom the records will be shared and signed by the parent.

When completing a release, all information should be completed before the parent signs it. Nothing should be blank at that point and nothing should be added to the release after the parent signs it.

Electronic signatures for consent from parents are not used at this time.

All PACT release forms that parents sign has the following statement on them:

I understand that this authorization/release is valid for one year from the date signed, or until I revoke it in writing to the agency releasing the information.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.22 (b)	All Managers	All Staff	Ongoing	

(b) Disclosure without parental consent but with parental notice and opportunity to refuse. The procedures to protect PII must allow the program to disclose such PII from child records without parental consent if the program notifies the parent about the disclosure, provides the parent, upon the parent's request, a copy of the PII from child records to be disclosed in advance, and gives the parent an opportunity to challenge and refuse disclosure of the information in the records, before the program forwards the records to officials at a program, school, or school district in which the child seeks or intends to enroll or where the child is already enrolled so long as the disclosure is related to the child's enrollment or transfer.

Records for transfer or future enrollment will be given directly to parents at the time of transfer, if requested, or at the February parent/teacher conference or in May for the home-based option. See Subpart G Transition Services, 1302.71(2)(i).

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.22 (c) (d) (e) (f)	All Managers	All Staff	Ongoing	

(c) Disclosure without parental consent. The procedures to protect PII must allow the program to disclose such PII from child records without parental consent to:

- (1) Officials within the program or acting for the program, such as contractors and sub recipients, if the official provides services for which the program would otherwise use employees, the program determines it is necessary for Head Start services, and the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement;**
- (2) Officials within the program, acting for the program, or from a federal or state entity, in connection with an audit or evaluation of education or child development programs, or for enforcement of or compliance with federal legal requirements of the program; provided the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement, including the destruction of the PII when no longer needed for the purpose of the disclosure, except when the disclosure is specifically authorized by federal law or by the responsible HHS official;**

(3) Officials within the program, acting for the program, or from a federal or state entity, to conduct a study to improve child and family outcomes, including improving the quality of programs, for, or on behalf of, the program, provided the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement, including the destruction of the PII when no longer needed for the purpose of the disclosure;

(4) Appropriate parties in order to address a disaster, health, or safety emergency during the period of the emergency, or a serious health and safety risk such as a serious food allergy, if the program determines that disclosing the PII from child records is necessary to protect the health or safety of children or other persons;

(5) Comply with a judicial order or lawfully issued subpoena, provided the program makes a reasonable effort to notify the parent about all such subpoenas and court orders in advance of the compliance therewith, unless:

(i) A court has ordered that neither the subpoena, its contents, nor the information provided in response be disclosed;

(ii) The disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

(iii) A parent is a party to a court proceeding directly involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C.5101)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the program is not required; or,

(iv) A program initiates legal action against a parent or a parent initiates legal action against a program, then a program may disclose to the court, also without a court order or subpoena, the child records relevant for the program to act as plaintiff or defendant.

(6) The Secretary of Agriculture or an authorized representative from the Food and Nutrition Service to conduct program monitoring, evaluations, and performance measurements for the Child and Adult Care Food Program under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, if the results will be reported in an aggregate form that does not identify any individual: provided, that any data collected must be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture and any PII must be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements;

- (7) A caseworker or other representative from a state, local, or tribal child welfare agency, who has the right to access a case plan for a child who is in foster care placement, when such agency is legally responsible for the child's care and protection, under state or tribal law, if the agency agrees in writing to protect PII, to use information from the child's case plan for specific purposes intended of addressing the child's needs, and to destroy information that is no longer needed for those purposes; and,
- (8) Appropriate parties in order to address suspected or known child maltreatment and is consistent with applicable federal, state, local, and tribal laws on reporting child abuse and neglect.

(d) **Written agreements.** When a program establishes a written agreement with a third party, the procedures to protect such PII must require the program to annually review and, if necessary, update the agreement. If the third party violates the agreement, then the program may:

(1) Provide the third party an opportunity to self-correct; or,

(2) Prohibit the third party from access to records for a set period of time as established by the programs governing body and policy council.

(e) **Annual notice.** The procedures to protect PII must require the program to annually notify parents of their rights in writing described in this subpart and applicable definitions in part 1305 of this chapter and include in that notice a description of the types of PII that may be disclosed, to whom the PII may be disclosed, and what may constitute a necessary reason for the disclosure without parental consent as described in paragraph (c) of this section.

(f) **Limit on disclosing PII.** A program must only disclose the information that is deemed necessary for the purpose of the disclosure.

Information necessary to conduct the services of the Early Head Start and Head Start programs will be disclosed to the following persons and entities, without individual and specific parental consent:

Nutritional and dietary consultants, training consultants, mental health consultants, coaches for educational staff, nurse consultants to the infant/toddler classrooms, auditors, federal reviewers, official of DCFS, law enforcement, first responders to address a disaster, health/safety/emergency situations,

Judicial orders and subpoenas that have in their contents that the subpoena nor info provided be disclosed to parent; US Attorney General regarding investigations/prosecutions of a Federal offense termed as terrorism listed in 18 USC 233b(g)(5)(B) or act of domestic/international terrorism;

In the case of legal action against PACT or parent, PACT may disclose to the court, the child records relevant for the program to act as plaintiff or defendant;

USDA Child and Adult Care Food Program representatives, who are conducting monitoring, evaluations, and performance measurements of PACT's program;

DCFS or Provider of Service (POS) caseworkers and representatives accessing records of a foster child in their care and protection; and

PACT has entered into a written agreement with the Illinois Head Start Association and University of Illinois, Center for Prevention Research and Development, to gather and summarize child outcomes and

family outcomes data for Head Start programs in our State. After the data is matched to child, family, and teacher, it is scrubbed of Personally Identifiable Information (PII) and then gathered and analyzed. No PII is reported on any report.

PACT has entered into a written agreement with the Illinois Department of Human Resources to gather and summarize child outcomes and family outcomes data, and services for research projects that are approved through a review process. This system is being developed to include all early childhood services for children 0-5 in our State: PreK, early childhood, child care centers, and early intervention services. No PII is reported on any report, and no data can be reported used in small identifiable groups that could be put together with public data to identify location or individuals.

Requests for child records to be disclosed in court cases, will only be released through a subpoena only. Testimony of PACT staff will only be made at a court judicial proceeding through a subpoena.

§1303.23 Parental rights.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.23 (a) (b) (c)	Executive Director, Assistant Director	All Managers	Ongoing	

(a) Inspect record.

- (1) A parent has the right to inspect child records.**
- (2) If the parent requests to inspect child records, the program must make the child records available within a reasonable time, but no more than 45 days after receipt of request.**
- (3) If a program maintains child records that contain information on more than one child, the program must ensure the parent only inspects information that pertains to the parent's child.**
- (4) The program shall not destroy a child record with an outstanding request to inspect and review the record under this section.**

(b) Amend record.

- (1) A parent has the right to ask the program to amend information in the child record that the parent believes is inaccurate, misleading, or violates the child's privacy.**
- (2) The program must consider the parent's request and, if the request is denied, render a written decision to the parent within a reasonable time that informs the parent of the right to a hearing.**

(c) Hearing.

(1) If the parent requests a hearing to challenge information in the child record, the program must schedule a hearing within a reasonable time, notify the parent, in advance, about the hearing, and ensure the person who conducts the hearing does not have a direct interest in its outcome.

(2) The program must ensure the hearing affords the parent a full and fair opportunity to present evidence relevant to the issues.

(3) If the program determines from evidence presented at the hearing that the information in the child records is inaccurate, misleading, or violates the child's privacy, the program must either amend or remove the information and notify the parent in writing.

(4) If the program determines from evidence presented at the hearing that information in the child records is accurate, does not mislead, or otherwise does not violate the child's privacy, the program must inform the parent of the right to place a statement in the child records that either comments on the contested information or that states why the parent disagrees with the program's decision, or both.

(d) Right to copy of record. The program must provide a parent, free of charge, an initial copy of child records disclosed to third parties with parental consent and, upon parent request, an initial copy of child records disclosed to third parties, unless the disclosure was for a court that ordered neither the subpoena, its contents, nor the information furnished in response be disclosed.

(e) Right to inspect written agreements. A parent has the right to review any written agreements with third parties.

Parents have the right to inspect their child's records. The Executive Director will make these available as soon as reasonable and within 45 days of the receipt of the request. If a record includes information on more than one child, the parent will only be given information on their own child. No records shall be destroyed that have an outstanding request to inspect on file.

Requests to amend the record will be received if the parent feels the record is inaccurate, misleading or violates privacy. PACT will consider the request and respond in writing to the parent with information about the right to a hearing on the matter.

Parents may request a hearing through the Executive Director to challenge info in the record. PACT will schedule the hearing and notify the parent within 10 days of the location and time and date of the hearing. The parent will be given the opportunity to add a statement to the child's record for comment or stating their disagreement of contested information.

§1303.24 Maintaining records.

Head Start Performance Standard Number	Who is Responsible	Who Implements	Timelines or Ongoing	Form Name
1303.24	All Managers	All Staff	Ongoing	

(a) A program must maintain child records in a manner that ensures only parents, and officials within the program or acting on behalf of the program have access, and such records must be destroyed within a reasonable timeframe after such records are no longer needed or required to be maintained.

(b) A program must maintain, with the child records, for as long as the records are maintained, information on all individuals, agencies, or organizations to whom a disclosure of PII from the child records was made (except for program officials and parents) and why the disclosure was made. If a program uses a web-based data system to maintain child records, the program must ensure such child records are adequately protected and maintained according to current industry security standards.

(c) If a parent places a statement in the child record, the program must maintain the statement with the contested part of the child record for as long as the program maintains the record and, disclose the statement whenever it discloses the portion of the child record to which the statement relates.

Paper files of children/families from previous years are stored in a locked record room at the Central Office for five years. Eligibility records are kept one year after the child leaves the program. On an annual basis, the Office Manager arranges for the shredding of the oldest year of records. Record shredding is done in a confidential manner by a contracted company, with oversight by the Office Manager.

Temporary records/reports that contain child/family information, employee information, and fiscal information such as Child Plus reports, Abila reports, monitoring reports, and other sources used for short term work, shall be disposed of by shredding once they are no longer in use. Small shredders are available at the central office and at centers to be used by staff. Any paper reports that contain identifying child/family/staff information shall not be disposed of by placing in garbage cans.