Examples of State Information Sharing Statutes

The following are excerpts from state information sharing laws that deal with key issues discussed in this volume. They are provided for illustrative purposes only.

Participating Agencies are in the Interdisciplinary Information Sharing Team

Ind. Code § 31-38-2-5

...(b) During any time that confidential information is being disclosed or discussed, the chairman of the committee shall exclude from the committee meeting any committee members or other persons who are not authorized to receive confidential information under subsection (a)...

Wyo. Stat. Ann. § 14-6-227

The multidisciplinary team shall include the following: (i) The child's parent, parents or guardian; (ii) A representative of the school district who has direct knowledge of the child and, if the child receives special education, is a member of the child's individualized education plan team; (iii) A representative of the department; (iv) The child's psychiatrist, psychologist or mental health professional; (v) The district attorney or his designee; (vi) The child's attorney or guardian ad litem, if one is appointed by the court; (vii) The volunteer lay advocate, if one is appointed by the court; and (viii) The foster parent. (d) In addition to the persons listed in subsection (c) of this section, the court may appoint one (1) or more of the following persons to the multidisciplinary team: . . . (iii) The child; (iv) A relative; (v) If the predispositional study indicates a parent or child has special needs, an appropriate representative of the department of health's substance abuse, mental health or developmental disabilities division who has knowledge of the services available in the state's system of care that are pertinent to those identified needs; (vi) Other professionals or persons who have particular knowledge relating to the child or his family, or expertise in children's services and the child's or parent's specific disability or special needs, including linguistic and cultural needs.

Conflict Resolution Methods and Compliance

Mont. Code Ann. § 52-2-203 (2)

The cooperative agreement may: ... (d) define a process for the resolution of disputes between state agencies that relate to specific areas of an agency's service responsibilities.

Applicable Federal and State Laws

S.D. Codified Laws § 26-8A-13.1.

...upon a request for information, the Department of Social Services shall, with due regard to any federal laws or regulations, including the Health Information Portability and Accountability Act of 1996, as amended to January 1, 2007, the Family Educational Rights and Privacy Act, as amended to January 1, 2007, and the federal rules governing the confidentiality of alcohol and drug abuse patient records pursuant to 42 C.F.R. Part 2, as amended to January 1, 2007...

Okla. Stat. tit. 10, § 7005-1.2.C.

...except as otherwise specifically provided by state and federal laws pertaining to the confidentiality of records and information and the inspection, release, disclosure, correction or expungement of such information, including, but not limited to, state and federal laws pertaining to education records, medical records, drug or alcohol treatment records, law enforcement, or social service records, the records listed in subsection A of this section shall be confidential and shall be inspected, released, disclosed, corrected or expunged only pursuant to an order of the court.

Wash. Rev. Code § 13.04.155 (3)

Any information received by a principal or school personnel under this section is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

Procedures for Disclosure of and Access to Information

§105 Illinois Compiled Statutes 10/6

...Each record of release shall also include:
(1) The nature and substance of the information released
(2) The name and signature of the official records custodian releasing such information;
(3) The name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
(4) The date of the release; and
(5) A copy of any consent to such release...

Mont. Code Ann. § 41-5-215 (5)

The youth court or law enforcement authorities receiving the information shall certify in writing to the school district that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent or guardian of the pupil.

La. Child. Code art. 412(A)

Any person authorized to review or receive confidential information shall preserve its confidentiality in the absence of express authorization for sharing with others.

Okla. Stat. tit. 10, § 630.4

...Establishment of a uniform informed consent form and uniform procedures for obtaining informed consents, which shall include, but not be limited to, information which shall be provided to a person executing an informed consent prior to such execution.

Permitted and Prohibited Uses of Information

Pa.C.S. § 6341(b)

...Information provided under this subsection is for the limited purposes of protecting school personnel and students from danger from the delinquent child and of arranging appropriate counseling and education for the delinquent child. The building principal or his or her designee shall inform the child's teacher of all information received under this subsection. Information obtained under this subsection may not be used for admissions or disciplinary decisions...

Cal. Wel. & Inst. Code § 827.9

... It is the intent of the Legislature to reaffirm its belief that records or information gathered by law enforcement agencies relating to the taking of a minor into custody, temporary custody, or detention (juvenile police records) should be confidential. Confidentiality is necessary to protect those persons from being denied various opportunities, to further the rehabilitative efforts of the juvenile justice system, and to prevent the lifelong stigma that results from having a juvenile police record...The purpose of this section is to clarify the persons and entities entitled to receive a complete copy of a juvenile police record, to specify the persons or entities entitled to receive copies of juvenile police records with certain identifying information about other minors removed from the record, and to provide procedures for others to request a copy of a juvenile police record....

Iowa § 280.25(2) and (3)

...(2) The purpose of the agreement shall be to reduce juvenile crime by promoting cooperation and collaboration and the sharing of appropriate information among the parties in a joint effort to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well-supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education. (3) Information shared under the agreement shall be used solely for determining the programs and services appropriate to the needs of the juvenile or the juvenile's family, or coordinating the delivery of programs and services to the juvenile or the juvenile's family.

Mont. Code Ann. § 52-2-211

...purpose of the team and written agreement is to facilitate the exchange and sharing of information that one or more team members may be able to use in serving a child in the course of their professions and occupations, including but not limited to abused or neglected children, delinquent youth, and youth in need of intervention. Information regarding a child that a team member supplies to other team members or that is disseminated to a team member under 41-3-205 or 41-5-215(2) and (3) may not be disseminated beyond the team.

Consumer Protections

Wash. Rev. Code § 13.50.100 (8)

A juvenile or his or her parent denied access to any records following an agency determination under subsection (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection (7) (a) and (b) of this section.

Wash. Rev. Code § 13.50.010 (6)

A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

N.J. Stat. Ann. § 2A:4A-60.2.

...any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile's consent, or reports or records produced pursuant to such suicide or mental health screening, shall not be: a. disclosed, except by an attorney representing the juvenile and with the juvenile's consent, to the court, prosecutor, or any law enforcement officer; or b. used in any investigation or delinquency or criminal proceeding involving the juvenile that is currently pending or subsequently initiated.

Iowa § 692.19

The commissioner of public safety shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.
2. Shall review the implementation and effectiveness of legislation and administrative rules concerning such systems.
3. May recommend changes in said rules and legislation to the legislature and the appropriate administrative officials.
4. May require such reports from state agencies as may be necessary to perform its duties.
5. May receive and review complaints from the public concerning the operation of such systems.
6. May conduct inquiries and investigations the commissioner finds appropriate to achieve the purposes of this chapter. Each criminal or juvenile justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the commissioner of public safety, upon the commissioner's request, statistical data, reports, and other information in its possession as the commissioner deems necessary to implement this chapter.
7. Shall annually approve rules adopted in accordance with section 692.10 and rules to assure the accuracy, completeness and proper purging of criminal history data.
8. Shall approve all agreements, arrangements and systems for the interstate transmission

Wyo. Stat. Ann. § 14-6-227

Any person who willfully violates this subsection is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars ($500.00).