

SUPERVISION\DCC\SUPERVISION PROCESS\RECORDS MANAGEMENT

RELEASE OF CONFIDENTIAL INFORMATION

.01 AUTHORITY

[Wisconsin Statute 51.30](#)

[Wisconsin Statute 146.82](#)

[Wisconsin Statute 252](#)

[45 Code of Federal Regulations Parts 160-164](#)

[42 Code of Federal Regulations Part 2](#)

[Administrative Directive 15-18](#)

.02 GENERAL STATEMENT

The exchange of offender information between DCC and other agencies, victims, or individuals is essential to the correctional process. This exchange must conform to state and federal confidentiality laws.

.03 OBTAINING CONFIDENTIAL INFORMATION

Staff frequently need information from non-departmental agencies to assist in the preparation of reports and summaries. This can include school, medical, financial, or psychological information. The agent prepares the Authorization for Disclosure of Non-Health Confidential Information ([DOC-1163](#)) or Authorization for Use and Disclosure of Protected Health Information ([DOC-1163A](#)) naming the source of the records and the reason for the request. The offender must sign the form authorizing release of the information. If the offender is under 18 years of age, the release must be signed by their parent or legal guardian.

If an offender refuses to sign the release and the information is essential to the supervision of the offender, the agent can require the offender to sign as a condition of supervision. A client shall not be directed to sign a release of information regarding the transmission to a third party, including for the purposes of revocation, as a condition of supervision.

.04 DISSEMINATING CONFIDENTIAL INFORMATION

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All requests for either viewing or receiving copies of confidential information should be forwarded to the regional records custodian. All records requests will be responded to on the Records Request Response ([DOC- 1160](#)) by the regional records custodian.

The following parts of the case file require the Authorization for Disclosure of Non-Health Confidential Information ([DOC-1163](#)) or Authorization for Use and Disclosure of Protected Health Information ([DOC-1163A](#)) signed by the offender permitting release specifically to the person requesting the records:

- Psychological/Psychiatric Reports
- Medical Reports
- Educational Reports
- AODA and any other treatment records
- Any record created by or under the supervision of a health care provider

Any records containing a victim's address or other information about the victim shall be considered confidential and only given out with a signed release of information from the victim.

Juvenile records or juvenile court information must not be released.

A Pre-Sentence Investigation (PSI) is considered the property of the court, and other than the DOC, can only be released to:

- Other agencies or persons with approval of the sentencing court
- Legal Assistance to Inmates Program (LAIP)
- The Attorney General's Office if acting as a representative for the Department
- Other state or federal prison authorities when an inmate is transferred to their custody
- Other state or federal probation and parole authorities when supervision of an offender is transferred
- Other agencies or persons for use related to correctional programming, parole consideration, care and treatment, or research per [WI Stats. 972.15\(5\)](#). This includes any contracted agencies that provide programming to offenders.

Any agency or person who receives a PSI under this section shall not further disclose its contents.

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Case files may contain records prepared by and obtained from another agency that often indicates that disclosure of the record is prohibited. The wishes of the originator of the record, however, are not necessarily controlling. If the record was obtained as part of the normal duties of this Department, it is a record of this Department.

The offender's case file should include a record of all verbal and written requests or disclosures of information to persons or agencies outside the Department of Corrections. The entry should be in the case notes. It shall identify the material disclosed, the recipient of the information, and the date disclosed.

Unless a prior agreement exists, anyone requesting copies of records shall be required to pay copying fees.

.05 AIDS/HIV

The disclosure of HIV test result information is restricted. Department of Corrections staff do not need a release of information to get test results from within the Department. However, if such information is needed from an outside source, a signed [DOC-1163](#) or [1163A](#) must be completed. HIV test result information and any consent forms signed by an offender authorizing disclosure shall not be kept in the offender's case file. Such written materials shall be maintained by the agent in a separate, sealed folder marked "Confidential Information." If the offender self-identifies to the agent as HIV positive or as AIDS infected, the information is not confidential; however, it should be treated with respect and disclosed only on a "need to know" basis.

.06 JUVENILE RECORDS

Agents may not release information on sex offenses committed by a minor, even if adjudicated delinquent, to any individual or agency other than police without a confidential release of information signed by the offender or legal guardian of the offender.