Release of Information

OVERVIEW

The exchange of **inmate** information between DAI and other agencies, victims, or individuals is essential to the correctional process. This exchange must conform to state and federal confidentiality laws. 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. Extra protections are in place for substance use disorder programming, refer to 42 Code of Federal Regulations Part 2.

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 inmate 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 Institutionalized Persons (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 inmate 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 inmates.

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.

Social Worker/Treatment Specialist Responsibilities:
Social Worker/Treatment Specialists performing non-health care related duties may request, access and use, including obtaining copies of records filed in a health care record, only the minimum necessary PHI needed to perform an assigned job duty, such as release planning.

The Social Worker/Treatment Specialist shall prepare 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. If a DOC-1163/DOC-1163A is not signed by the inmate, no information shall be shared. If the inmate is under 18 years of age, the release must be signed by their parent or legal guardian.

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

References/Resources:

Wisconsin Statute 51.30
Wisconsin Statute 146.82
Wisconsin Statute 252
45 Code of Federal Regulations Parts 160, 162 and 164
42 Code of Federal Regulations Part 2
Administrative Directive 15-18

Executive Directive 35 Confidentiality of Offender Health Information

Executive Directive 75 Protection of Confidential Information

DAI Policy 500.50.01 Minimum Necessary and Duty to Mitigate HIPAA Standards

Authorization for Disclosure of Non-Health Confidential Information (DOC-1163)

Authorization for Use and Disclosure of Protected Health Information (DOC-1163A)