**Section 505.10 General**

a) DHS-ORS, through its facilities and various offices, shall maintain records on all customers. All records shall be of a confidential nature and shall not be made available to the general public.

b) Except as required or allowed in this Part, no confidential information obtained concerning customers may be disclosed without the consent of that individual. If the information concerns a minor, the consent of a parent or a guardian must also be obtained. After a person has reached the age of 18 years, the records of that individual may be disclosed only with the consent of that individual, or, if one has been appointed, the guardian of the person of an adult.

c) Except as provided in this Part, each customer who has reached 12 years of age, a parent of a minor customer, or a guardian or duly authorized representative of a customer shall have full access to the confidential information contained in the customer's record.

d) All customers, representatives, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.

e) All customers and their representatives must be informed about DHS-ORS' need to collect personal information and the policies governing its use. DHS-ORS shall inform customers of the following:

1) the authority under which information is collected;

2) the principal purposes for which DHS-ORS intends to use or release the information;

3) whether the customer's provision of the information is mandatory or voluntary and the effects of not providing requested information to DHS-ORS;

4) those situations where DHS-ORS requires or does not require informed written consent of the customer before information may be released; and

5) other agencies to which information is routinely released and the types of information so released.

f) All explanations to customers and their representatives about State policies and procedures affecting confidential information must be in the customer's primary language and must be through appropriate modes of communication for those individuals who rely on special modes of communication, including Braille.

g) Any person entitled to access customer files (as set forth in Section 505.50 of this Part) may inspect those files and request modification of any part of the record which he or she believes is misleading. If such a request is refused, the customer is entitled to submit a written rebuttal to such records and submit the rebuttal for incorporation as a permanent part of the record. Whenever the disputed part of the record is disclosed, the rebuttal shall accompany the disclosed part.

h) Information in case records received from, or developed for, the Social Security Administration (SSA) shall be controlled by its regulations governing confidentiality (20 CFR 401 (1992)). Such information in the records of the DHS-ORS Bureau of Disability Determination Services shall be available to the other sections of DHS-ORS in connection with the delivery of services to a customer. However, should such information be sought by a customer, the inquiry shall be directed to the originating source of the information or the SSA. However, by federal law, a Member of Congress has a right to receive this information upon request.

i) This Part shall not apply to the educational records maintained by any DHS-ORS facilities. Such records are subject to the Illinois School Student Records Act [105 ILCS 10] and any regulations thereunder. Other DHS-ORS records received and maintained by the facilities operated by DHS-ORS shall not be commingled with the educational records and shall be governed by this Part.

(Source: Amended at 19 Ill. Reg. 14821, effective October 5, 1995)