10A NCAC 70F .0208 CONFIDENTIALITY
(a) The agency shall develop and enforce a policy on confidentiality that:
  (1) identifies the individuals with access to or control over confidential information;
  (2) specify that persons who have access to records or specified information in a record be limited to persons authorized pursuant to law, including:
    (A) the client;
    (B) the parents, guardian, or legal custodian if the client is a minor;
    (C) agency staff;
    (D) auditing, licensing, or accrediting personnel; and
    (E) those persons for whom the agency has obtained a signed consent for release of confidential information;
  (3) requires that when a client's information is disclosed, a signed written consent for release of information is obtained from the parent, guardian, legal custodian, or client if age 18 or older;
  (4) provides for a secure place for the storage of records with confidential information;
  (5) informs any individual with access to confidential information of the provisions of this Rule;
  (6) ensures that, upon employment and whenever revisions are made to the policy, staff sign a compliance statement that indicates an understanding of the requirements of confidentiality;
  (7) permits a client to review his or her case record in the presence of agency personnel on the agency premises, in a manner that protects the confidentiality of other family members or other individuals referenced in the record, unless agency personnel determines the information in the client's case record would be harmful to the client;
  (8) in cases of perceived harm to the client, documents in writing any refusal to share information with the client, parents, guardian, or legal custodian;
  (9) maintains a confidential case record for each client;
  (10) maintain confidential personnel records for all employees (full-time, part-time and contracted); and
  (11) maintain confidential records for all volunteers and interns;
(b) A child-placing agency for foster care and a residential maternity home may destroy in its office:
  (1) the closed record of a child or resident who has been discharged from foster care or residential maternity care for a period of three years unless included in a federal or state fiscal audit or program audit that is unresolved, in which case the agency may destroy the record in its office when released from all audits; and
  (2) a record three years after a child or resident has reached the age of 21, unless included in a federal fiscal audit or program audit that is unresolved, in which case the agency may destroy the record in its office when released from all audits.
(c) All individual children, birth parents, and adoptive family records shall be permanently retained by the agency. After a period of seven years, the files may be microfilmed or scanned in accordance with provisions of G.S. 8-45.1, following which the original files may be destroyed by a shredding process. The adoption agency may destroy in its office the closed records of applicants who were not accepted or who did not have a child placed with them three years after the date of their application, unless included in a federal or state fiscal audit or program audit that is unresolved, then the agency may destroy the record in its office when released from all audits.

History Note: *Authority G.S. 131D-1; 131D-10.3; 131D-10.5; 143B-153;*
    Temporary Adoption Eff. February 1, 2002;
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