

# **Chapter 6**

**General Assistance**

**Confidentiality**

# Confidentiality

It is important to remember that although the administrator must verify the information the applicant gives, the administrator must keep information relating to the applicant confidential. No information pertaining to applicants, including their names, information on their application forms, records of the amount of assistance granted or other communications can be released to the *general public*. When attempting to gather information from other sources, the administrator should not give out any more information than is necessary to obtain the needed information, and should inform the person that the information is confidential. If someone calls the administrator to gather information, the same rules apply. If another GA administrator or a state Human Services worker requests information about a recipient, the administrator can supply the needed information provided the information is kept confidential by the government official requesting the information, and that official needs the information for legitimate reasons.

GA records cannot be released to the general public unless a recipient has given consent in writing. Determining who constitutes a member of the general public, however, can be problematic for the administrator. Basically, the general public includes *anyone who is not a government official acting in his or her official capacity*. In other words if a municipal official needs information about a GA recipient in order to fulfill her official duty, the official would not be considered a member of the general public.

**Example:** Ms. Rogers, a selectperson, asks the GA administrator to show her the GA records for the last fiscal year. Ms. Rogers is not involved in administering GA but has been assigned to review the administration of GA in the municipality. She is given the records because she is entitled to see how municipal monies are spent, but is reminded not to discuss the records because they are confidential.

**Example:** Captain Snell, of the Brewer Police department, wants to look at the GA records to see if she recognizes any names. The GA administrator refuses to give her access to the records because Captain Snell's purpose does not directly relate to the performance of her duty. However, if Captain Snell had told the administrator that the police department was looking for Sally Jacques on suspicion of armed robbery and wanted her last known address, the administrator could have provided the recipient's address.

**Example:** Ms. Sample has requested a fair hearing. An individual claiming to be an advocate representing Ms. Sample called the GA administrator to get some information about the case. The GA administrator refused to disclose any information to the alleged advocate unless and until Ms. Sample gave the administrator specific permission to release her records to the advocate.

Municipalities should not involve the police department in administering the GA program for routine matters. The administrator should not give police the assignment of verifying information on an application or conducting home visits. For instance, the police should not routinely interview neighbors or landlords to find out who is in the household, and the police should not set up a surveillance to see who enters the applicant's home. Also the police shouldn't accompany administrators while they are doing home visits unless the applicant has a history of violent or irrational behavior. None of these tasks are an official duty of the police and they would be considered members of the general public in these instances. The police may be called in, however, when there is evidence of fraud and the administrator needs the police to investigate. Furthermore, law enforcement personnel should be immediately contacted when the administrator is in need of protection or an unruly applicant needs to be removed from the GA office or engages in or threatens criminal behavior.

*Please refer to the following Legal Service's Information Packet on "GA Confidentiality and Disclosure of Information" for further information.*

