

## **Confidentiality Provisions**

There are numerous state and federal laws and regulations that restrict the disclosure of data and information maintained by the County. The following is a non-exhaustive list of these legal protections.

<b>Category of Record or Information</b>	<b>Legal Protections</b>
Adoption records	Family Code, §§ 9200 et seq.
CARE Court records	Welfare & Institutions Code, § 5977.4.
Child abuse reports	Penal Code, §§ 11167 et seq.
Coroner's photographs and recordings	Code of Civil Procedure, § 129.
Crime victim information	California Constitution, Article I, Section 28(b) ("Marsy's Law"); various Penal Code statutes.
Domestic violence shelter information	Welfare & Institutions Code, § 18301.
Elder abuse and adult protective services information	Welfare & Institutions Code, §§ 15600 et seq.
General Assistance and relief to indigents information	Welfare & Institutions Code, § 17006.
Individuals' criminal history and offender information	Penal Code, § 11105 et seq., § 13300 et seq.
Juvenile dependency and foster care records and information	Welfare and Institutions Code, §§ 827 et seq., § 10850; 42 U.S.C. § 671(a)(8); 42 U.S.C. § 5106a(b)(2)(B)(viii); Cal. Rules of Court, rule 5.552(a).
Juvenile criminal records and information	Welfare & Institutions Code, §§ 827 et seq.
Library registration and patron use information	Government Code, §§ 7927.100 et seq.

Medical information, protected health information, and substance use and treatment information	45 C.F.R. § 160 and 164; 42 U.S.C. § 290dd-2; 42 C.F.R. § 2; Civil Code, §§ 56-56.37; Health & Safety Code, § 11845.5.  (Under the California Medical Information Act “medical information” includes immigration status and place of birth. (Civ. Code, § 56.05(j)(2).)
Medi-Cal applicant and recipient information	Welfare & Institutions Code, § 14100.2.
Mental health detention records	Welfare & Institutions Code, § 5328.
Probation records	Penal Code § 1203.05; Welfare & Institutions Code, § 827 et seq. (for juvenile records).
Social Security Numbers	Government Code, § 7922.200; Civil Code, § 1798.85.
Social services benefits applicant and recipient information (e.g., CalWORKS, In-Home Supportive Services recipient information)	Welfare & Institutions Code, §§ 10051 et seq., 10850 et seq.; CDSS Manual of Policies and Procedures, 19-000; 45 CFR § 205.50(a).
Taxpayer information	Government Code, § 7925.000.
Privileged records (e.g., attorney-client privilege, physician-patient privilege, and psychotherapist-patient privilege)	Evidence Code, §§ 900 et seq.
Veteran service records	Government Code, § 27337.
Voter information	Government Code, §§ 7924.000 et seq.; Elections Code, § 2194.

### **County Standard Contracts**

County contracts also include protections. For example, the following provisions are included in Contra Costa County Standard Form L-5, General Conditions:

**Compliance with Law.** Contractor is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.

**Confidentiality.** To the extent allowed under the California Public Records Act, Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that no person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.