
POLICY TRANSMITTAL NO. 06-15	DATE: JUNE 30, 2006
SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-21-12 through 2-21-16; and 2-21-20 through 2-21-35.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

Support Services Division (SSD) revisions: (1) update rules regarding open records; (2) revoke rules regarding records management; and (3) make semantic improvements.

340:2-21-12 revisions correct citation reference and reflect the current name for the Oklahoma Department of Human Services (OKDHS).

340:2-21-13 revisions add that foster care and child welfare record information is not subject to release.

340:2-21-15 revisions reflect the current name for OKDHS and divisions.

340:2-21-14 and 340:2-21-20 through 340:2-21-35 revoke rules that pertain to OKDHS internal procedures.

Original signed on 4-5-06

Paula Hearn, Director
Support Services Division

Sharon Neuwald, Co-Interim Administrator
Office of Planning, Policy & Research

WF # 05-22 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

340:2-21, Table of Contents

340:2-21-12

340:2-21-13

340:2-21-14

340:2-21-15

340:2-21-16

340:2-21-20

340:2-21-21

340:2-21-22

340:2-21-23

340:2-21-24

340:2-21-25

340:2-21-26

340:2-21-27

340:2-21-28

INSERT

340:2-21, Table of Contents, 1 page only, revised 7-1-06

340:2-21-12, 1 page only, revised 7-1-06

340:2-21-13, pages 1-3, revised 7-1-06

340:2-21-15, pages 1-2, revised 7-1-06

340:2-21-16, pages 1-2, revised 7-1-06

REMOVE

INSERT

340:2-21-29

340:2-21-30

340:2-21-31

340:2-21-32

340:2-21-33

340:2-21-34

340:2-21-35

SUBCHAPTER 21. DEPARTMENTAL SERVICES UNIT

Section

- 340:2-21-1. Purpose **[REVOKED]**
340:2-21-2. Equipment maintenance and repairs **[REVOKED]**
340:2-21-3. Records management **[REVOKED]**
340:2-21-4. Central records and archives **[REVOKED]**
340:2-21-5. Commodities: warehousing and distribution **[REVOKED]**
340:2-21-6. State Bureau of Social Security (O.A.S.I.) **[REVOKED]**
340:2-21-7. Other services provided to Agency **[REVOKED]**

PART 1. OPEN RECORDS

- 340:2-21-8. Security destruction of confidential materials **[REVOKED]**
340:2-21-12. Open records program purpose and authority
340:2-21-13. Release of information
340:2-21-14. Designated Public Records Officer (PRO) **[REVOKED]**
340:2-21-15. Requests for records
340:2-21-16. Fees

PART 3. RECORDS MANAGEMENT [REVOKED]

- 340:2-21-20. Scope **[REVOKED]**
340:2-21-21. Legal references **[REVOKED]**
340:2-21-22. Definitions **[REVOKED]**
340:2-21-23. State records **[REVOKED]**
340:2-21-24. Archival storage **[REVOKED]**
340:2-21-25. Records Management Coordinator and Records Custodians **[REVOKED]**
340:2-21-26. Records scheduling **[REVOKED]**
340:2-21-27. General Records Disposition Schedules **[REVOKED]**
340:2-21-28. Consolidated Records Disposition Schedule **[REVOKED]**
340:2-21-29. Records inventory **[REVOKED]**
340:2-21-30. Deletion of records **[REVOKED]**
340:2-21-31. Records disasters **[REVOKED]**
340:2-21-32. Confidentiality of records **[REVOKED]**
340:2-21-33. E-Mail records **[REVOKED]**
340:2-21-34. Computer generated records **[REVOKED]**
340:2-21-35. Security destruction of confidential materials **[REVOKED]**

PART 1. OPEN RECORDS**340:2-21-12. Open records program purpose and authority**

(a) **Purpose.** The Oklahoma Department of Human Services (OKDHS) maintains an open records program to:

- (1) meet public requests for accessible records with some uniformity;
- (2) provide assistance to OKDHS offices asked to supply records;
- (3) initiate requests for legal assistance in determining whether certain disputed records may be accessible to the public;
- (4) prepare responses to requests for access in cases where the record or portions of the record are considered confidential by OKDHS; and
- (5) determine whether the request warrants charging a fee, and ensure the fees are collected before release of the information.

(b) **Authority.** The authority for the open records program is the Open Records Act that ensures and assists the public's right to access, review, and copy governmental records, except where specifically required by federal or state law and regulation to be kept confidential. [51 O.S. § 24A.1 - 24A.26]

340:2-21-13. Release of information

(a) **Information subject to release.** Information available for release includes:

(1) personnel information including: ■ 1

(A) the application of a person who becomes a public official;

(B) gross receipt of public funds;

(C) dates of employment, title, or position; and

(D) any final disciplinary action resulting in loss of pay, suspension, demotion, or termination;

(2) vendor and provider information not excluded by subsection (b)(4) through (6) of this Section and public funds paid to vendors and providers; and

(3) subject to OAC 340:65-1-2, copies of documents from a client's public assistance record, upon request of that specific client, whether an applicant, recipient, or former recipient.

(b) **Information not subject to release.** ■ 2 Records kept confidential by federal and state law are not subject to release. Oklahoma Department of Human Services (OKDHS) rules provide confidentiality for specific program areas per OAC 340:1-1-20. Records kept confidential include, but are not limited to:

(1) all applications, information, payments received, and records concerning any applicant or recipient of OKDHS programs or services;

(2) records subject to confidential privilege such as attorney-client or physician-patient;

(3) personal notes prepared for one's own use in making a decision or recommendation, except material related to budget requests prior to taking action;

(4) position papers prepared to assist in OKDHS decision-making. Documents regarding fiscal or policy matters presented to the Oklahoma Commission for Human Services (Commission) prior to any public action may be released if the Commission takes public action regarding these matters;

(5) information from personnel records which is a clear invasion of personal privacy such as:

(A) employee evaluations;

(B) payroll deductions;

(C) employment applications submitted by persons not hired by OKDHS;

(D) internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation;

(E) employees' home addresses, telephone numbers, and Social Security numbers; and

(F) medical and employee assistance records;

(6) information that may give an unfair advantage to competitors or bidders;

(7) proprietary computer programs and software;

(8) adoption, foster care, and child welfare records;

(9) documents provided OKDHS by other governmental agencies deemed confidential by the sending agency. Requests for information or documents provided by another agency are referred to the sending agency; and

(10) records concerning child abuse. ■ 3

(A) Disclosure of certain information may be provided regarding circumstances of a child's death due to abuse, neglect, or abandonment. [10 O.S. § 7005-1.4]

(B) Information released does not identify anyone filing a complaint or reporting child abuse or neglect, the child victim's siblings, parent(s), or other person responsible for the child, or any other member of the household except for the person criminally charged.

(c) **Access to records.** Access to records is not denied because another OKDHS division or public official is using or has taken possession of the records for investigatory purposes or has placed the records in a litigation or investigation file. When an employee's personnel file is requested, under the Open Records Act, the

OKDHS Human Resources Management Division (HRMD) notifies the employee that the file has been requested and who requested it.

(d) **Penalties and appeals.** Any person denied access to a record may file an appeal in accordance with Section 24A.17 of Title 51 of the Oklahoma Statutes. The appeal must be filed within ten days of the denial. The appeal is requested by submitting a letter to the Director, Oklahoma Department of Human Services, Open Records Act Appeal, PO Box 25352, Oklahoma City, Oklahoma 73125.

(e) **Anonymity of persons requesting access to records.** A person requesting access to OKDHS records may request to have his or her identity kept anonymous. OKDHS cannot guarantee anonymity of the requestor, as it is not a condition of the law.

INSTRUCTIONS TO STAFF

- 1. An employee who wishes to review his or her own personnel file makes the request directly to the Oklahoma Department of Human Services (OKDHS) Human Resources Management Division (HRMD).**
- 2. The OKDHS Legal Division is consulted prior to release of any information included in subsection (b)(1) through (10).**
- 3. See OAC 340:75-1-44 for information on records that are disclosed without a court order.**

340:2-21-15. Requests for records

The Oklahoma Department of Human Services (OKDHS) maintains public records and makes them available for inspection. ■ 1

(1) Requirements for persons requesting records. A person requesting information completes Form 23RM023, Request to Review and/or Copy Records, to review, search, or copy OKDHS records. Use of any information concerning any public assistance applicant or recipient, for publication, commercial, or political purpose constitutes a felony. [56 O.S. §183]

(2) Requests by attorneys. Attorneys in formal litigation involving OKDHS must go through the OKDHS Legal Division for information. Prior to any official legal action involving OKDHS, an attorney may obtain records through the Open Records Act in the same manner as any other request.

(3) Requests for employee income information. All requests for employee income verification are referred to the OKDHS Finance Division, Payroll Unit.

(4) Requests for OKDHS vendor or provider payment information. All requests for OKDHS vendor or provider payment information are referred to the OKDHS Finance Division, Claims Auditing Unit.

INSTRUCTIONS TO STAFF

1. (a) The Oklahoma Department of Human Services (OKDHS) Open Records Section within the Support Services Division (SSD) Departmental Services Unit (DSU) is the Open Records coordinator.

(b) The person administratively responsible for each OKDHS office designates a public records officer (PRO) and an alternate. Written notification of the name and telephone number of the PRO and alternate is submitted to the Open Records coordinator.

(c) The PRO or alternate:

(1) assists the public in the inspection and copying of records;

(2) has authority to release information within the guidelines of the rules and regulations of OKDHS and the Open Records Act;

(3) collects required search and copy fees [OAC 340:2-21-16];

(4) is available during regular business hours; and

(5) may contact the open records coordinator for technical assistance or advice.

340:2-21-16. Fees

(a) Fees for open records requests are not used to discourage requests for information or as obstacles to disclosure of requested information. A search fee is never charged for release of documents that are in the public interest, including, but not limited to, requests by news media, scholars, authors, and taxpayers determining whether government is competently performing their duties as public servants.

(1) Fees are outlined in (A) through (E) of this paragraph.

(A) There is no charge for 100 pages or less in a calendar year.

(B) For requests exceeding 100 pages in a calendar year, the fee is \$.25 per page.

(C) For certified documents, the fee is \$1 per page.

(D) Commercial requests, or those which would cause excessive disruption of office function, are charged \$25 per hour for staff time.

(E) For requests requiring computer programming, the fee is equal to labor costs and computer processing time.

(2) For a request by commercial users for computer runs, microfilming, or reproduction, other than photocopying, the requester pays the Oklahoma Department of Human Services (OKDHS) cost for duplicating the information involved. If computer programming is necessary to isolate requested or confidential information, the fee equals the labor costs plus cost of computer processing time necessary to produce the record. The OKDHS Finance Division establishes the cost for computer processing at the time the work is performed. ■ 1

(b) All fees are paid prior to delivering the copies. If the request is for search only, the fee is paid before the person is allowed to review the material. All fees are paid by check or money order payable to OKDHS. Cash is not accepted. ■ 2

INSTRUCTIONS TO STAFF

1. The Open Records Section staff coordinates with the appropriate division to obtain information regarding the amount of staff time required to generate the reproduction at a cost of \$25 per hour or less if the division indicates a lesser cost, and the cost of materials such as computer tapes or diskettes.

2. The public records officer (PRO):

(1) explains the fee to the requestor;

(2) attaches the fee payment to a memorandum that specifies the:

(A) type of fee payment; and

(B) division name; and

(3) forwards the memo and payment to the Finance Division.