

STATE OF WISCONSIN
 Department of Health and Family Services
 Division of Children and Family Services

DCFS Memo Series 2007 - 03
 February 26, 2007
 Re: eWisACWIS: CONFIDENTIALITY
 AND ACCESS TO THE SYSTEM

(Replaces DCFS 2003-13B)

To: Area Administrators / Human Services Area Coordinators
 Bureau Directors
 County Departments of Community Programs Directors
 County Departments of Developmental Disabilities
 Services Directors
 County Departments of Human Services Directors
 County Departments of Social Services Directors
 Licensing Chiefs/Section Chiefs
 Tribal Chairpersons/Human Services Facilitators

From: William R. Fiss *William R. Fiss*
 Interim Administrator

This numbered memo is being reissued to incorporate information regarding the availability of and access to information on eWisACWIS related to mental health, alcohol and other drug abuse, developmental disabilities, and other information covered under the confidentiality requirements of s. 51.30, Stats. Changes from the previous memo are identified in the third paragraph of the section immediately below and new sections on Shared Legal Responsibility, Record Retention, Home or Other Remote Use of eWisACWIS, and Audit Tracking are also described. In the attached policy, a minor modification has been made to the Notification Section. Finally, there is a new section in the policy on the audit tracking capacity recently installed in eWisACWIS. A summary of that audit capacity is found later in this memo.

Confidentiality

This memo addresses various issues related to confidentiality of information maintained in eWisACWIS and policies and procedures related to direct access to the system. These are complex issues that involve a variety of state and federal laws and regulations related to eWisACWIS itself and to confidentiality generally.

The Department is charged with implementing the statewide automated child welfare information system as described in federal regulations, as incorporated in state statute. [Ref. ss. 46.03(7)(g), 46.22(1)(c)8., and 46.46(1m), Stats.] It is clear under the federal regulations that all information which relates to the assessment of a family and the health and safety of a child should be included in eWisACWIS. The federal Administration on Children, Youth, and Families has instructed us that there is nothing in federal law or regulation related to mental health and alcohol and other drug abuse confidentiality that would preclude its inclusion in eWisACWIS. With respect to state law, the intent of the Wisconsin Legislature was to implement eWisACWIS consistent with federal requirements and guidelines.

The Governor signed into law 2005 Wisconsin Act 406 which clarifies that agencies are authorized to include information related to a child or family, regardless of the type of information, into eWisACWIS at the time that is obtained without first notifying the subject of the information. (Ref. s. 48.78(2)(h) and 48.981(7)(dm), 2005 Stats.)

Confidentiality Policy

Attached is the document entitled "Access to eWisACWIS and Information Contained in eWisACWIS Confidentiality Policy," as amended to reflect the policy described above. This policy reflects the requirements noted above and our need to both share and protect child welfare-related information. As the policy notes, the nature of any automated system or policies related to it will always be dependent

Document Summary

This memo and the attached policy identify policies and procedures related to maintaining the confidentiality of and access to information stored in the Wisconsin State Automated Child Welfare Information System (eWisACWIS).

upon those with access to the system recognizing and being compliant with all applicable policies, regulations, laws, certification standards, and professional ethics requirements. That recognition and compliance is an intrinsic part of the attached policy. All county agencies and contract agencies will be expected to implement this policy.

In terms of the policy, your specific attention is directed to the following important considerations:

Section III. Statutory/Regulatory Requirements

It is important to keep in mind that there are specific requirements in statute relating to the release of information contained in records created by or which are otherwise in the custody of the child welfare agency. There are also specific requirements in statute relating to the release or re-release of information contained in child welfare records that are the property of other systems or professionals (e.g., psychological assessments).

It is also important to note that under federal regulations (Ref. 45 CFR 1355.52 through 1355.57), eWiSACWIS must be a statewide system. This means that the child welfare programs in all counties must have access to and use the system. Staff from the child welfare program of one county must have access to information from child welfare programs of other counties, subject to access limits we are allowed to impose based on job functions. This is an inherent aspect of the system's "statewideness" required by the federal regulations.

Section IV. Notification

The confidentiality of records remains a very high priority even though access to records is expanded. The policy emphasizes that access to information does not negate the requirement to notify the record custodian that a record has been accessed, what information was accessed, and the purpose of that access. It cannot be overemphasized that any person must have a valid, work-related, and legitimate reason to access or review any record or part of a record. Any access outside of these reasons is a violation of confidentiality policies and laws and is violative of the privacy rights of children and families. A model notification policy is attached.

Section V. Scope of Agreements

Three types of agreements are discussed and the first two are attached to the policy (the third relates only to research access contracted by the Department):

- **Agency Agreement:** To be entered into by any individual or agency, other than this Department or a county department, that will have direct access to eWiSACWIS for the purpose of either obtaining information from or entering information into eWiSACWIS.
- **User Agreement:** To be entered into by all affected employees of this Department, a county department, a tribal social services department, or an agency entering into an Agency Agreement.
- **Data Sharing Agreement:** To be entered into by any individual or agency which receives information from eWiSACWIS but which does not have direct access to eWiSACWIS.

Shared Legal Responsibility

This Department and County Departments have legal responsibility for information maintained in eWiSACWIS. DHFS is responsible for the planning, design, development, installation, and operation of the system. In addition, the Department establishes policies for county implementation of the system.

County Departments, the Bureau of Milwaukee Child Welfare, and the State Special Needs Adoption Program are responsible for the accuracy and completeness of information entered into eWiSACWIS on cases being managed within their agencies. DHFS, counties, tribes, and other agencies with access to eWiSACWIS each have responsibility for proper disclosure of information maintained in the system depending upon which agency releases such information.

Access to eWiSACWIS

Requests for access must be submitted to the DCFS IT Liaison at DHFS/DCFS, P.O. Box 8916, Madison, WI 53708-8916. Normal requests (e.g., for access by county department child welfare staff) will be approved based on the information received. Any requests that are in some way out of the ordinary will be forwarded by the DCFS IT Liaison to the appropriate DCFS managers. Any such request will be evaluated against the criteria established in the attached policy. Please note that the process will be facilitated by submitting all of the required information. The Division reserves the right to deny requested access to eWiSACWIS by any individual or agency even if the criteria are met. In such a case, justification will be provided with the denial of the request.

Audit Tracking Implementation

We have built into eWiSACWIS the capacity for this Department and County Departments to conduct an audit of any case in the system to determine if unauthorized individuals have accessed a case for purposes other than legitimate case responsibility. We will conduct random audits of cases and will conduct targeted audits on specific cases that are controversial, high-profile, or are otherwise likely to draw general interest. Any suspected unauthorized access to cases will be reported by this Division to the director of the agency employing the person who accessed a case without an apparent legitimate reason. We encourage county agencies to also conduct audits to assure the confidentiality of case records and protection of the privacy rights of the children and families we serve.

Home or Other Remote Use of eWiSACWIS

In general, it is our position that home or other remote use of eWiSACWIS is a matter for each county to determine based on its own policies and practices. The Division, including eWiSACWIS support staff, however, will not provide technical support for either eWiSACWIS or other aspects of computer use for an employee using eWiSACWIS outside of his or her official place of employment. In addition, it is critical that each county's policies related to confidentiality of information maintained in eWiSACWIS be followed at whatever location the system is used. This includes assuring that individuals not authorized to access the system do not have access to the system at the employee's home or other place outside of the employee's official place of employment.

Implementation of the requirements in this memo and the attached eWiSACWIS Confidentiality Policy will assure that staff are able to fulfill their documentation requirements while still maintaining the integrity of the system and assuring the confidentiality of information maintained in eWiSACWIS.

REGIONAL OFFICE CONTACT:

Area Administrator

CENTRAL OFFICE CONTACTS:

eWiSACWIS Access

Deb Rogers, DCFS IT Liaison
DHFS/DCFS
P.O. Box 8916
Madison, WI 53708-8916
Phone: (608) 266-3228
FAX: (608) 266-6836
E-Mail: rogerdl@dhfs.state.wi.us

Confidentiality Issues

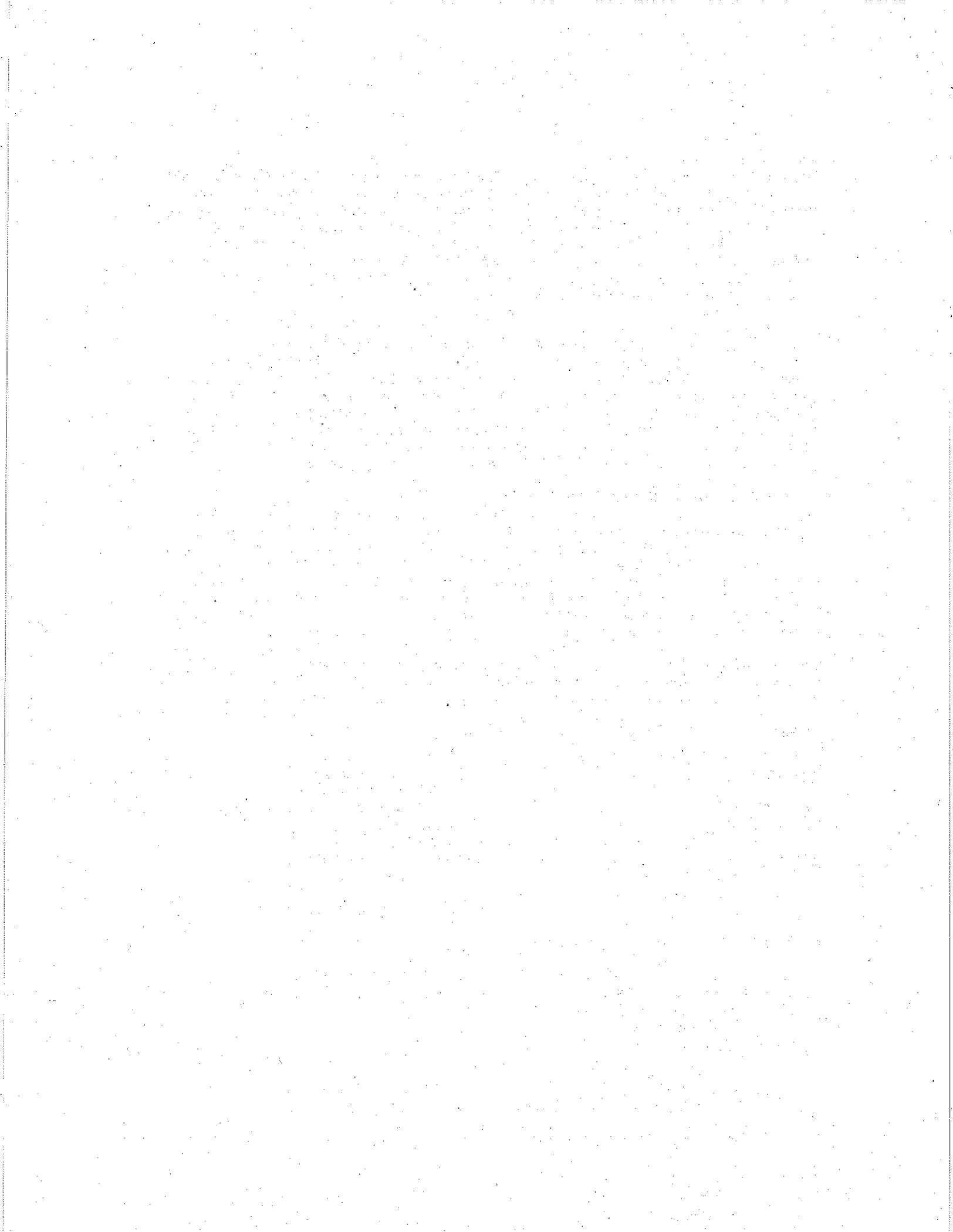
Mark Mitchell, Manager
Legislation and Policy Consultation Section
DHFS/DCFS/BPP
P.O. Box 8916
Madison, WI 53708-8916
Phone: (608) 261-8316
FAX: (608) 264-6750
E-Mail: mitchms@dhfs.state.wi.us

MEMO WEB SITE: http://dhfs.wisconsin.gov/dcfs_info

Attachments:

[Confidentiality Policy \(PDF, 93 kb\)](#)
[CFS-2275, eWiSACWIS Use Agreement](#)
[CFS-2276, Agency Agreement on Access to eWiSACWIS](#)
[Model Notification Policy \(PDF, 20 kb\)](#)

c: County CPS Supervisors
County Foster Care Coordinators
Tribal Child Welfare Contact Persons



**ACCESS TO eWiSACWIS AND INFORMATION CONTAINED IN eWiSACWIS:
CONFIDENTIALITY POLICY OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES**

I. Introduction

Access to information contained in child welfare records, generally, and child protective services records, specifically, is controlled by statutes, administrative code, state and federal policies, and governmental and professional standards. Over time, the system for sharing information under these standards has worked well to both share and protect information. It is the position of the Department that simply because some or all of those records have now been transferred from county paper or electronic records to a statewide automated record system, there is no inherent need to change the overall concept of access to those records, except as mandated by federal law and regulation.

Under the federal laws and regulations related to statewide child welfare automated systems, there is a need to expand, to a limited extent, the access to certain records without resorting to the non-automated processes that were required when the information was not maintained on a statewide electronic system. At the same time, the basic confidentiality laws remain fully intact in the sense that access to information is prohibited except as provided by law. It is only the manner of access that has changed. Laws, policies, certification standards, and professional ethics require that information be maintained in confidence except as provided by law or regulation.

II. Statement of Philosophy

It is the intent of this policy to identify where there are needs for the sharing of information maintained in the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS) and where there is no such need. The policy is based on the position that agencies and individuals providing for the safety, care, and treatment of children and families must have certain information in order to assure that their efforts are effective and efficient. The policy is also based on the position that children and families have a right to privacy and confidentiality that should not be compromised except in the instances identified in this policy as allowed by law to promote effective and efficient program administration and service provision.

III. Statutory Requirements

Under Wisconsin law, public records are presumed to be open records, except where specifically noted and when the right to privacy or confidentiality is deemed to be more important than the public's "right to know." Implementation of this law requires careful balancing of these two perspectives. The state statutes applicable to information contained in eWiSACWIS include:

- Ch. 19, regarding records in general
- s. 46.215 regarding county departments
- s. 46.22 regarding county departments
- s. 46.23 regarding county departments
- s. 48.195(2) regarding relinquishment of newborns
- s. 48.35 regarding the effect of judgment and disposition
- s. 48.371 regarding information for physical custodians
- s. 48.38 regarding information in permanency plans
- s. 48.396(2) regarding confidentiality of child welfare records of the court
- s. 48.432 regarding access to medical information

- s. 48.433 regarding access to identifying information about parents
- s. 48.93 regarding closed adoption records
- s. 48.78 regarding confidentiality of agency child welfare records
- s. 48.981(7) regarding confidentiality of child protective services investigation records
- s. 51.30 regarding treatment records
- s. 938.35 regarding effect of judgment and disposition
- s. 938.371 regarding information for physical custodians
- s. 938.38 regarding information in permanency plans
- s. 938.396(2) regarding confidentiality of juvenile justice records of the court
- s. 938.51 regarding notification of escape of juveniles from correctional custody
- s. 938.78 regarding confidentiality of agency juvenile justice records

In addition, the confidentiality of records maintained in eWiSACWIS may be controlled by a number of federal laws and other state laws (e.g., HIPAA, Titles IV-B and IV-E, Ch. 118) which affect how information can be released or re-released from records maintained within eWiSACWIS.

IV. Notification

In order to assure the appropriate interpretation of and access to information maintained in open cases on eWiSACWIS, any agency or individual with an agency other than the agency that created the document or record who has direct access to eWiSACWIS shall notify the case worker or supervisor of the agency which created a document or record or to whom a record belongs of the following information within 24 hours after obtaining that information from an open case record:

- The name of the individual whose record was accessed.
- The nature of the information which was sought in accessing the record.
- The use or potential use of any information obtained from the record.

If the information was obtained in order to determine whether a person should be licensed, certified, employed, or contracted with, no final decision on such a determination shall be made prior to direct communication between the person making the decision and a person representing the agency which created a document or to whom the record belongs. The person representing the agency shall be knowledgeable about the record to be used in order to assure that information used from the record is being interpreted in the appropriate manner. If information obtained from eWiSACWIS is not used in making such a determination, direct communication is not required, but the notification requirements must still be met.

V. Scope of Agreements

Any agreement or policies related to sharing information maintained within eWiSACWIS or to providing access to eWiSACWIS must specifically identify the following:

- The statutory authorization for such disclosure;
- The allowable purpose(s) of such disclosure;
- The manner in which the factors identified in Section VI below (if access to the system is to be granted) are met;
- Any limitations on redisclosure; and
- Penalties for violating any established confidentiality provisions related to disclosed information.

A. Agency Agreement on Access to eWiSACWIS (Individuals and agencies that have direct access to eWiSACWIS) (CFS-2276)

Any individual not employed by the Department, a county department, or a tribal social services department of a tribe located in Wisconsin, or any individual who is employed by any agency or governmental entity other than the Department, a county department, or a tribal social services department (or any equivalent) which is directly either obtaining information from eWiSACWIS or entering data into eWiSACWIS must sign an Agency Agreement on Access to eWiSACWIS with either the Department or a county department.

Any such agreement shall use the format of the Agency Agreement attached to this policy as Appendix 1. The signed agreement shall be submitted to the Department and shall be entered into only after Department approval as described in Section VII of this policy is granted. The Agency Agreement submitted to the Department shall have attached to it a copy of any contract, memorandum of understanding, or memorandum of agreement between the parties or, if such contract or memorandum does not yet exist, a letter from the Department or county department outlining the purpose of the agreement and the intended use of any information obtained from eWiSACWIS.

B. eWiSACWIS User Agreement (Employees of agencies who have direct access to eWiSACWIS) (CFS-2275)

All employees of the Department, a county department, a tribal social services department (or any equivalent), or any individual or employee of an agency or governmental entity which enters into an Agency Agreement who will have direct access to eWiSACWIS shall sign the User Agreement attached to this policy as Appendix 2. The signed original of this User Agreement shall be maintained by the employing agency of the person in that person's personnel file. In addition, any agency which enters into an Agency Agreement with the Department or a county department shall submit a copy of the signed User Agreement for each of its employees to the Department or county department, whichever entity with which the agency has entered into the Agency Agreement.

C. Child Welfare Information Sharing Agreement (Agencies that obtain information from eWiSACWIS but do not have direct access to eWiSACWIS)

Any individual or agency that receives data from eWiSACWIS but does not have direct access to eWiSACWIS shall enter into an Information Sharing Agreement with either the Department or a county department. The Information Sharing Agreement, attached to this policy as Appendix 3, shall specifically state the nature of the data to be shared, the intended uses of the data, and a statement that the person obtaining the data is aware of and will subscribe to all applicable state and federal confidentiality policies, regulations, and laws.

VI. Direct Access to eWiSACWIS

The Wisconsin Division of Children and Family Services shall be the sole determiner of which agencies or individuals may have access to eWiSACWIS, either in part or in whole. Within the parameters established by statutes, administrative rules, and policies of the Division of Children and Family Services, county and tribal security delegates shall grant access in a manner in accordance with those parameters.

In all circumstances, county agencies, tribal social services departments, and the Division of Children and Family Services shall require that all staff of those agencies who will have access to eWiSACWIS sign a User Agreement (see Section V.B.) for both client data and network security that includes, at a minimum, a notice of any restrictions on access, appropriate restrictions on redisclosure of

information, and personnel actions or civil and criminal penalties that may be imposed for violations of those restrictions. Subject to the oversight responsibility of the Division of Children and Family Services, the level of access of any employee or contractor of a county or tribal agency shall be determined through consultation by the county or tribal security delegate and the employee's supervisor or a contract administrator.

No agency or individual will be considered for direct access to eWiSACWIS if that agency or individual does not, at a minimum, meet all of the following factors:

1. The person or agency is an employee of or under contract with a County Department of Human or Social Services, a Tribal Social Services Department or the Department of Health and Family Services.
2. The person or agency is providing services to a County Department of Human or Social Services, a Tribal Social Services Department, or the Department of Health and Family Services that, absent the employment or contractual arrangement, county, tribal, or state staff would be required to provide.
3. The person or staff of the agency, in order to fulfill the employment or contractual responsibilities, is required to view information on eWiSACWIS; or, the person or staff of the agency, in order to fulfill contractual responsibilities, is required to enter information into eWiSACWIS.
4. In order to accomplish Factor #3, on-line access to eWiSACWIS is the most practical manner of accomplishing the responsibility.

The Division of Children and Family Services reserves the right to deny access, for good cause as determined by the Division, even if the criteria above are met. In addition, the Division of Children and Family Services reserves the right to limit access to certain cases only to individuals approved by the Division.

VII. Exceptions

Exceptions to the limitations on access to eWiSACWIS as described in Section VI. may be granted only by the Division of Children and Family Services at its discretion and as allowed by law. A county agency requesting an exception shall submit to the Division a written request signed by the county agency Director or his or her designee which shall include a detailed justification for the request, a description of the role of the person or agency on whose behalf the exception is being requested, an explanation of the use of any information obtained from eWiSACWIS, an indication that the person or agency has signed the appropriate confidentiality agreement under Section V., and a detailed description of the level of access to eWiSACWIS which the person or agency will be granted.

VIII. eWiSACWIS Production Access Security System (ePASS)

The web-based ePASS is a tool to be used by DHFS/DCFS and its key business partners to facilitate the security and access request processing needs. The system automates:

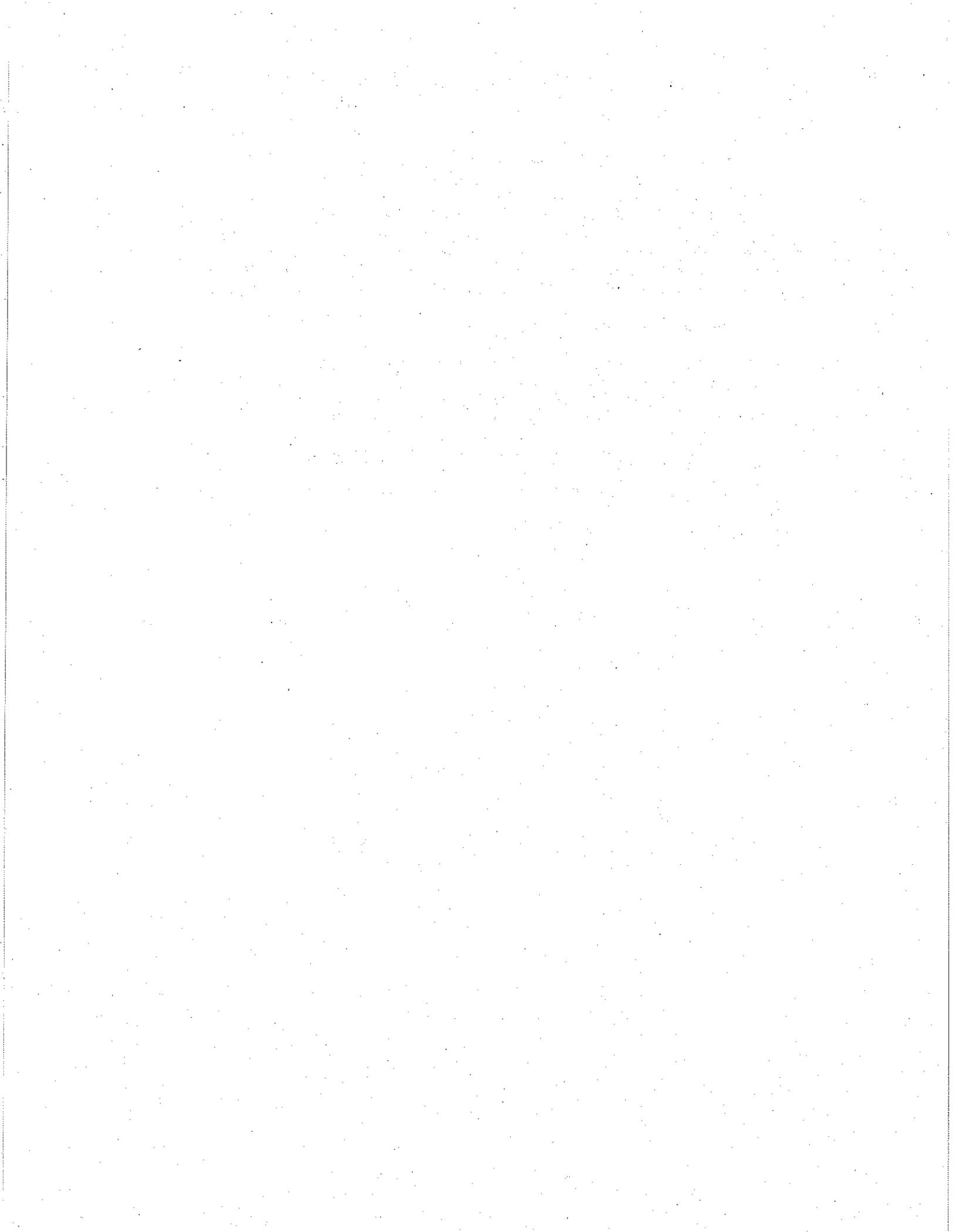
- Requests for security access for new agency staff
- Changes in information for existing agency staff

- Deletion from the system of an inactive agency staff person

Supervisors create or update agency staff person information in eWiSACWIS. County or Tribal Security Delegates then submit requests in ePASS on behalf of their staff. The DHFS eWiSACWIS Security Officer will review and approve the requests and forward the request to DHFS network staff for appropriate set-up. Once a request is complete, e-mail notifications are automatically sent to the county or tribal staff person, supervisor, and Security Delegate. The Security Delegate can also view the status of all requests he or she has submitted through ePASS.

IX. Audit Tracking Capacity

The Department or a county agency has the capacity to conduct an audit of access to any case in eWiSACWIS. This means that a case record can be checked to determine if an individual has accessed the case record without proper authorization or without a need for such access. The Department will conduct random audits of cases to determine if there has been any such unauthorized access and will conduct targeted audits of specific cases that are or may be controversial, high-profile, or otherwise of interest to individuals who have no legitimate reason to access them. If it is determined that an individual accessed a record without an apparently legitimate reason, the Department will notify the director of the agency employing that person. Any violation of this confidentiality provision may subject the person to criminal or civil penalties and may result in that person being denied access to eWiSACWIS or other personnel or professional licensing penalties.



eWISACWIS USER AGREEMENT

All employees, subcontractors, or other individuals under the control of a Custodial Agency¹ or an Accessing Agency² with a eWISACWIS Agency Agreement who will have access to eWISACWIS shall sign the following Agreement:

I hereby certify that I have read and understand the eWISACWIS Agency Agreement and the Department of Health and Family Services' "Access to eWISACWIS and Information Contained in eWISACWIS" Policy. I also certify that I am aware of the laws and regulations affecting my access to information and my ability to re-disclose any information maintained in eWISACWIS.

I acknowledge my responsibilities under the above-noted Agreement, Policy, and laws and regulations and agree to abide by them. I understand that programs within eWISACWIS may maintain a record of any files or other information I may access.

I acknowledge that I must have a valid, work-related reason to access or review any record or part of a record within eWISACWIS.

Name – eWISACWIS User (Type or Print)

Title

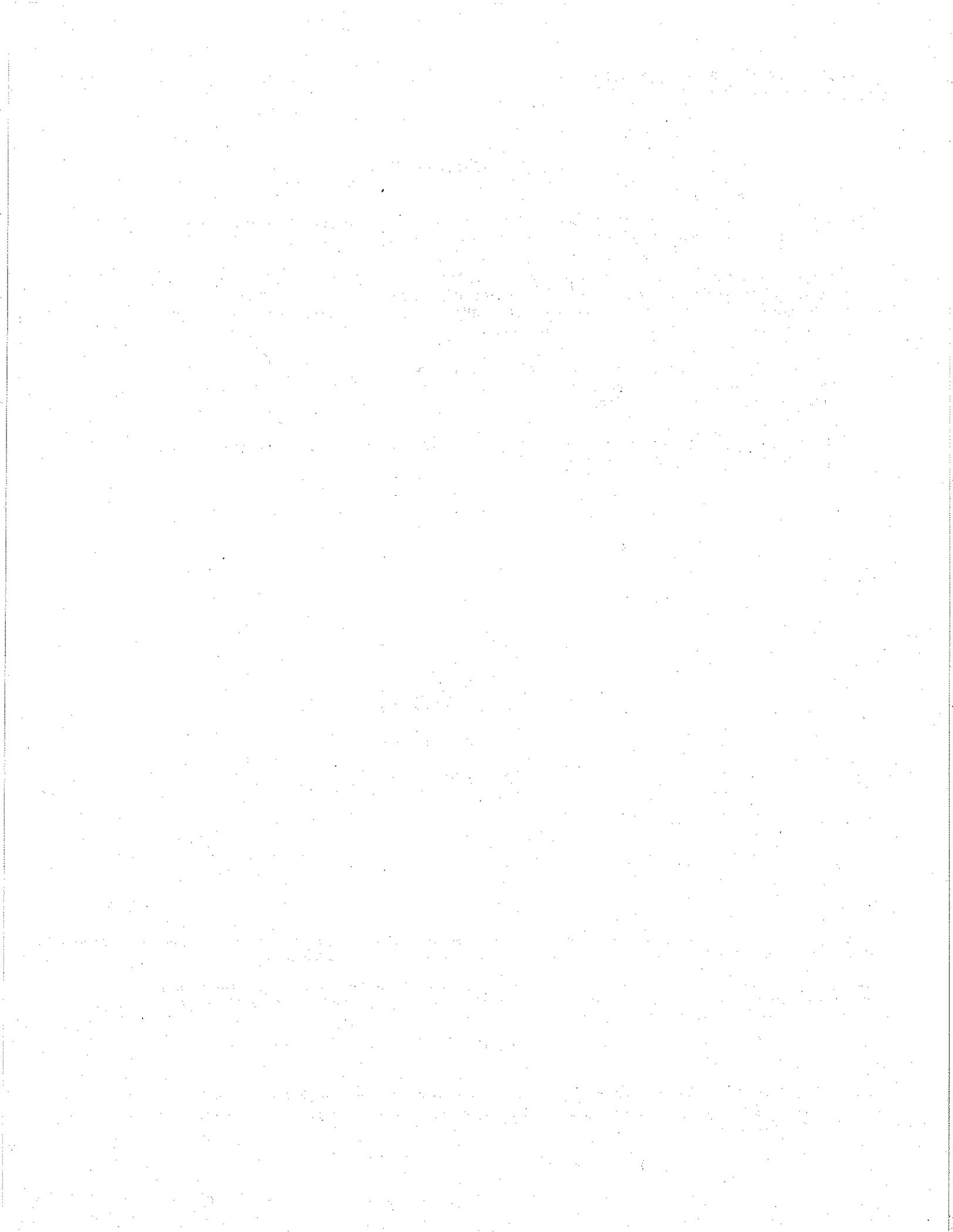
SIGNATURE – eWISACWIS User

Date Signed (mm/dd/yyyy)

¹ "Custodial Agency" means an agency which enters information into eWISACWIS on behalf of clients it is serving. In virtually all cases, this will be the Department of Health and Family Services or a County Department of Human / Social Services.

² "Accessing Agency" means an agency, other than the Department of Health and Family Services or a County Department of Human / Social Services, which, through an "Agency Agreement on Access to eWISACWIS," has direct access to eWISACWIS for the purpose of viewing, adding, deleting, or modifying information on that system.

Distribution: For County / Department staff, the original shall be maintained by the supervisor and a copy provided to the employee.
For Accessing Agencies, the original shall be maintained by the supervisor and copies provided to the employee and the Custodial Agency.



AGENCY AGREEMENT ON ACCESS TO eWiSACWIS

Use of form: Completion of this form is mandatory as required by Division of Children and Family Services (DCFS) CFS Memo 2003-13b.

I. Parties to the Agreement

Pursuant to the Confidentiality Policy of the Wisconsin Department of Health and Family Services (DHFS) entitled "Access to eWiSACWIS and Information Contained in eWiSACWIS" and the controlling statutory authority cited in that policy, this Agreement is entered into between the

_____ (hereinafter referred to as the "Custodial Agency"), located at _____
in the city / town / village of _____
and _____

_____ (hereinafter referred to as
the "Accessing Agency") located at _____
in the city / town / village of _____

II. Effective Date of the Agreement

This Agreement shall be effective beginning _____ and shall remain in effect for a period of _____
(mm/dd/yyyy)
year(s) or until _____
whichever is earlier.

III. Relationship of the Parties

The Custodial Agency and the Accessing Agency have established a functional relationship apart from this Agreement via
 Contract Memorandum of Understanding or Other Agreement which is attached to and is made part of this Agreement. The purpose of that relationship, including job functions, overall scope of responsibilities and type of access are expressly stated in the attachment. The purpose of eWiSACWIS access is defined in Appendix A.

IV. Rationale for Access to eWiSACWIS

In addition to the formalized relationship between the Custodial Agency and the Accessing Agency identified in Section III of this Agreement, the parties agree that the following criteria for access to eWiSACWIS are met:

1. The Accessing Agency, in order to meet its responsibilities to the Custodial Agency, is required to either view information maintained on eWiSACWIS or enter information into eWiSACWIS.
2. To accomplish other statutory responsibilities related to child safety, the direct access of the Accessing Agency to eWiSACWIS is the most practical approach.

The Division of Children and Family Services (DCFS) in the Wisconsin Department of Health and Family Services (DHFS) reserves the right to deny access for good cause, as determined by the DCFS, even if the above criteria are met. In addition, the DCFS reserves the right to limit access to certain cases to individuals whose access must be approved by the DCFS.

V. Number of Accessing Agency Employees

The total number of employees of the Accessing Agency who, under this Agreement, will be allowed access to eWiSACWIS shall not exceed _____ without an amendment to this Agreement. The employees are identified in Appendix B.

VI. Responsibilities of Accessing Agency

The Accessing Agency shall be required to provide any of its employees, subcontractors, or other individuals under its control training relative to the appropriate use of eWiSACWIS. The Accessing Agency shall also be required to provide to any of its employees, subcontractors, or other individuals under its control training relative to the various federal and state statutes and regulations which control access to and release of information contained in eWiSACWIS. This training shall be provided prior to any such employee, subcontractor, or other individual under its control prior to that person's use of eWiSACWIS.

VII. General Policies

- Data and other information from eWisACWIS shall be used only for the specific purpose outlined in the relationship document attached to this Agreement.
- Data and other information from eWisACWIS shall be safeguarded and secure from outside access.
- It is the responsibility of the person having access to eWisACWIS under this Agreement to know the purposes for which any data or other information can be used.
- Any printed materials derived from eWisACWIS shall be stored in secure files and data or other information from eWisACWIS shall not be stored in files which are subject to public disclosure.
- Data or other information from eWisACWIS shall not be re-disclosed to any person or agency without the written approval of the Custodial Agency.
- Unauthorized disclosure or other release of data or other information is a violation of the law and could result in criminal and civil penalties and immediate termination of this Agreement.
- Unauthorized access to data or other information maintained in eWisACWIS by a person granted access under this Agreement is a violation of the law and could result in criminal and civil penalties and immediate termination of this Agreement.
- The DCFS reserves the right to establish additional policies related to access to eWisACWIS which, upon their publication, shall immediately apply to the Accessing Agency.

VIII. Termination of this Agreement

This Agreement may be terminated at any time by either party with 30 days notice to the other party. In the event that the Custodial Agency or the Division of Children and Family Services has good cause to believe that the Accessing Agency or any of its employees, subcontractors, or other individuals under its control have violated the applicable laws or this Agreement, the Custodial Agency or the DCFS may terminate this Agreement with no advance notice to the Accessing Agency.

IX. Signatures

This Agreement is entered into on behalf of the Custodial Agency, by:

_____	_____
Name (Type or Print)	Title
_____	_____
SIGNATURE	Date Signed (mm/dd/yyyy)

This Agreement is entered into on behalf of the Accessing Agency by:

_____	_____
Name (Type or Print)	Title
_____	_____
SIGNATURE	Date Signed (mm/dd/yyyy)

This Agreement is approved, if necessary, by DCFS:

_____	_____
Name (Type or Print)	Title
_____	_____
SIGNATURE	Date Signed (mm/dd/yyyy)

APPENDIX A
eWiSACWIS Agency Access Agreement

Purpose of eWiSACWIS access and specific types of information that may be shared under this Agreement:

APPENDIX B
eWiSACWIS Agency Access Agreement

Persons authorized to have access:

The accessing agency designates _____ to serve as the coordinator for eWiSACWIS access under this Agreement. The address, telephone number, fax number and e-mail address of this individual are as follows:

Address: _____

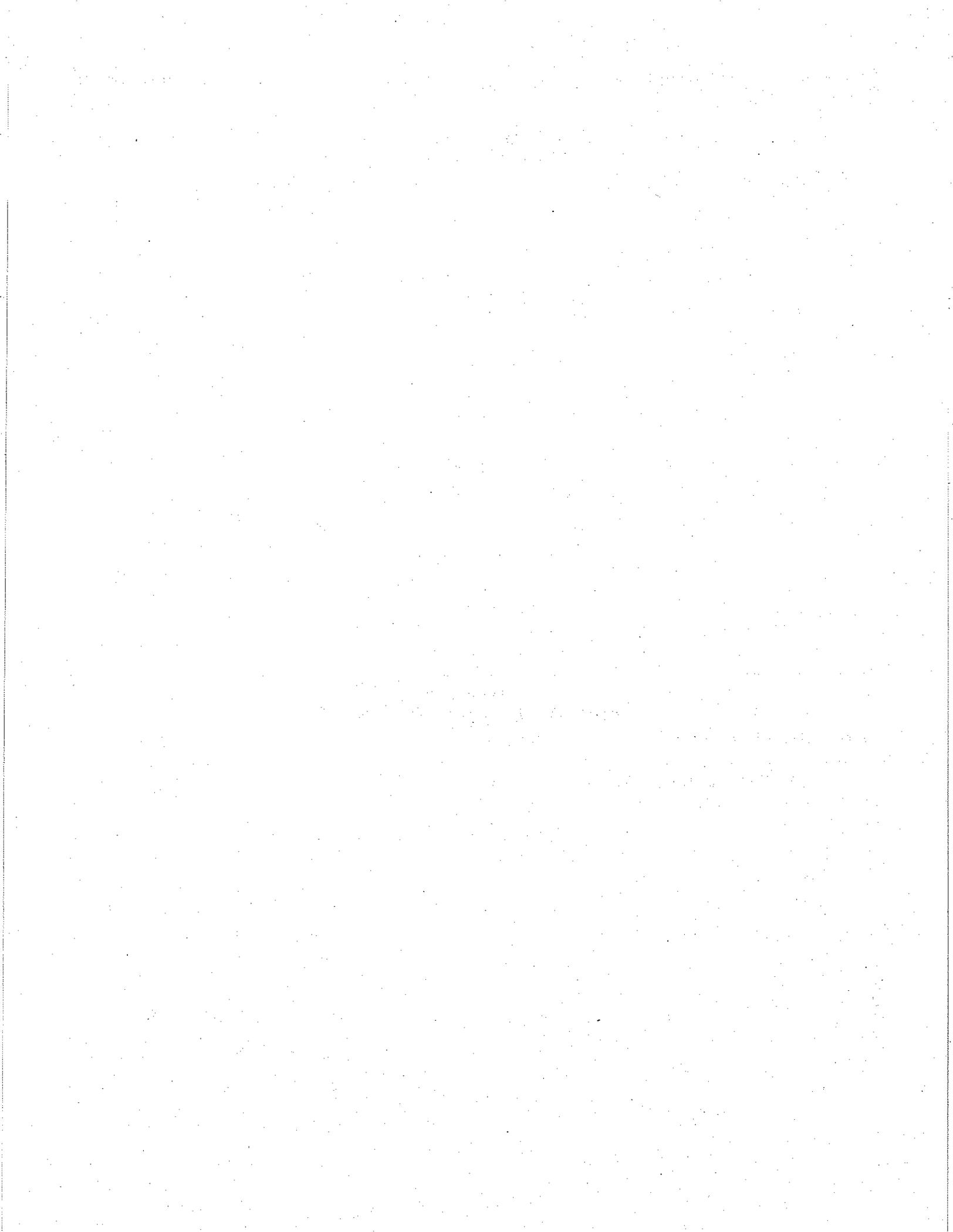
Telephone No: _____

Fax Number: _____

E-mail address: _____

The following agency staff will have access:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____



Model Notification Protocol for Use of Information From eWiSACWIS

To assure the appropriate interpretation of information in eWiSACWIS, any agency accessing a record in the system to which the agency does not have an assignment shall notify the agency that created or is currently maintaining the record as specified in this protocol. Records include a family case record, person record, provider record, or worker record. Notification that a record has been accessed shall be provided by the accessing agency to the maintaining agency for all records that are currently open in the system and for closed records if information is used in actions affecting the family, person, provider, or worker.

Notification for Access to Open Records: Notification of access to open records shall be provided within 24 hours by the accessing agency to the case worker assigned to the case or the supervisor of the agency currently maintaining the record. The notification may be done via e-mail and shall include the following information:

- The name of the family/person/provider/worker whose record was accessed.
- The name, job title/classification, and contact information for the accessing agency staff person who viewed the record.
- The nature of the information which was sought in accessing the record.
- The intended use of any information obtained from the record.

Notification of access is not necessary in situations where the record was accessed solely to verify the record name, number, or participants. For example, staff may view several records in the course of doing an intake before selecting the correct record to use for a child protective service report. It is not necessary to notify the maintaining agencies of all records accessed during the intake.

Direct Communication for Actions Involving Information from Records: If the information obtained from an open record or closed record (see below) will be used in taking an action that will affect any of the individuals included in the record, the accessing agency shall have direct communication with the maintaining agency to assure that information obtained from the record is being interpreted in the appropriate manner. The contact by the accessing agency shall be with a supervisor or other person from the maintaining agency who is knowledgeable about the information obtained from the record.

Examples of actions affecting individuals:

- Licensing or certification as a service provider.
- Employment in a position working with children.
- Recommendations to the court regarding the need for supervision, criminal prosecution, placement, visitation, conditions of return, or similar matters.

- Recommendations to a county or tribal human/social service agency regarding the eligibility of individuals for service or the level of service to be provided.

For information that will be used in making a decision on actions affecting individuals, no final decision shall be made prior to direct communication between the accessing agency and the maintaining agency. In general, the maintaining agency shall be given two (2) working days to respond to contacts regarding the use of information from eWiSACWIS for actions affecting individuals. In situations requiring immediate action to protect the safety of children or the community, the accessing agency may use the information without direct contact but must notify the maintaining agency within 24 hours to discuss further use of the information. If information obtained from eWiSACWIS is not used in making such a decision, direct contact is not required.

The direct communication should include discussion of the following:

- The type of action that may affect the individual.
- How information from eWiSACWIS will be used in making a decision on the action.
- What document (assessment, court report, etc.) the information will be used in.
- What other agencies will receive documents including the information.
- Relevant aspects of the actions taken or services provided by the maintaining agency.

Closed Records: Notification of access is not required for access to closed records, i.e. cases that have been closed and individuals who are not currently active as a participant in a case, a provider, or a worker. However, direct communication with the agency that last maintained the record is required if information from a closed record will be used in making a decision on actions affecting individuals. The contact by the accessing agency shall be with a supervisor or other person from the agency that last maintained the case who is knowledgeable about the information obtained from the record. In general, the maintaining agency shall be given two (2) working days to respond to contacts regarding the use of information from eWiSACWIS for actions affecting individuals unless the safety of children or the community is involved.

Records Maintained by Multiple Agencies: Some records will be maintained by multiple agencies over time. Notification of access to open cases shall always be to the current maintaining agency. Direct communication regarding use of information shall be with the agency responsible for maintenance of the record during the time that the information was entered into the system. The appropriate agency can be determined by the assignment in effect during the time period that the information was entered.