



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.009

Release of Information

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Authority: Wyoming Statute(s): 7-13-409; 7-16-205(b) 7-19-101, <i>et seq.</i> ; 16-4-201, <i>et seq.</i> ; 25-1-104; 25-1-105 ACA Standard(s): 4-4019; 4-4070; 4-4099; 2-CO-1A-26; 2-CO-1E-07; 2-CO-1E-08; 4-APPFS-3C-03	Effective Date: January 1, 2016 Revision/Review History: 04/01/14 04/01/13 12/05/11 03/18/02	
Cross Reference of Policy: P&P #1.018, <i>Victim Notification Program</i> ; P&P #4.319, <i>Confidentiality of Inmate Health Records</i>	Summary of Revision/Review: Updates existing policy pursuant to annual review. Supersedes Existing Policy :	
Approved: R.O. Lampert Robert O. Lampert, Director		12-23-15 Date

APPROVED FOR INMATE DISTRIBUTION

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form #150, *Consent for the Release of Confidential Information*
 - B. WDOC Form #159.1, *Confidentiality Statement*
 - C. WDOC Form #159.2, *Schedule of Fees for Release of Information*
 - D. WDOC Form #159.3, *Release of Information Matrix*
2. OTHER – None Noted



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I. PURPOSE

- A. **Protocol for Release of Information.** The purpose of this policy is to establish guidelines and standards for the release of information maintained in Wyoming Department of Corrections (WDOC) records, consistent with the applicable state and federal laws.

II. POLICY

- A. **General Policy.** It is the policy of the WDOC to ensure that all applicable provisions of state and federal statutes and regulations are observed with respect to WDOC records and the release of information.
1. It is the policy of WDOC to maintain the confidentiality of privileged or protected information and release such information only in accordance with legal authority. (2-CO-1E-08)
 2. It is the policy of WDOC to release public records of the WDOC in accordance with state law and this policy.

III. DEFINITIONS

- A. **Applicant:** (*For this policy only.*) The person submitting an application to request public records pursuant to W.S. §16-4-201 *et seq.*
- B. **Application:** (*For this policy only.*) A written request for a public record pursuant to W.S. §16-4-201 *et seq.* If extenuating circumstances exist, consistent with this policy, a verbal request may serve as an application.
- C. **Confidential Records:** (*For this policy only.*) Information held in confidence without disclosure to third parties, except as authorized in this policy.
- D. **Criminal History Record Information:** As defined by W.S. § 7-19-101 *et seq.*
- E. **Criminal Justice Agency:** Criminal Justice agency means any agency or institution of Wyoming state or local governments other than the office of the Public Defender which performs as part of its principal function, activities relating to: the apprehension, incarceration, supervision or rehabilitation of criminal offenders; the collection, maintenance, storage, dissemination or use of criminal history record information.



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- F. Custodian:** *(For this policy only.)* An employee of the WDOC who is the official custodian or any authorized person having personal custody or control of the public records in question.
- G. Field Services Division Administrator:** The person appointed by the Director who has full authority to act for the Director, subject to directions of the Director. This administrator is responsible for all field services operations, including adult community corrections.
- H. Inmate:** A person incarcerated in a WDOC facility or contract facility.
- I. Non-Criminal Justice Counselors and Service Providers:** *(For this policy only.)* Therapists and counselors working directly with specific offenders pursuant to WDOC's requests and/or court orders and parole grants, and private service providers under contract with WDOC.
- J. Offender:** A person under probation or parole supervision with WDOC.
- K. Official Custodian:** *(For this policy only.)* An employee of the WDOC who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his or her personal custody and control.
- L. Prison Division Administrator:** The person appointed by the Director who has full authority to act for the Director, subject to directions of the Director. This administrator is responsible for all prison operations.
- M. Public Information Officer:** An employee of the WDOC whose responsibilities include disseminating information to outside agencies, media entities, preparing publications and certain informational documents related to the department, and processes requests for records to include public records.
- N. Public Records:** As defined by Wyo. Stat. § 16-4-201(a)(v) "includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law." Public records include "any written communication or other information, whether in paper, electronic, or other physical form."
- O. Record Subjects and Their Designee:** *(For this policy only.)* The offender who is the subject of such information or the person or entity designated by the offender with a written, signed and notarized release of information executed by the offender.



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- P. Redaction:** The removal from records or public records of information which by law either may not or shall not be released to non-authorized persons or entities.
- Q. Regulatory Agencies:** Includes the Wyoming Pari-Mutual Commission, Investigative and enforcement branch of the United States Social Security Administration, Internal Revenue Service, and United States Postal Service.
- R. Release of Information Form:** (See WDOC Form #150, *Consent for the Release of Confidential Information*.) A properly designed and completed form to be used when releasing confidential information such that the individual granting release is properly informed and gives proper consent.
- S. Request:** (*For this policy only.*) A written request for information which is not considered public records, and is allowed to be released by law.
- T. Requestor:** (*For this policy only.*) A person seeking information and/or documents which may fall outside a public records application.
- U. Security Information:** Security procedures, defined as any WDOC or correctional facility policies, procedures, regulations or other documents, release of which would compromise agency or correctional facility security, safety, or good order, which shall not be released to any non-WDOC individual or agency except upon the order of the Director or a court.
- V. Staff:** (*For this policy only.*) Temporary and permanent WDOC employees, volunteers, contractors, consultants, or any other person, agency, or organization whose work is performed primarily in WDOC facilities or offices or at an adult community corrections facility.
- W. Victim Notification Recipients:** (*For this policy only.*) Individuals certified under the Victim Notification Program.
- X. Victim Services Division:** The division within the Wyoming Attorney General's Office responsible for assistance and services to crime victims.
- Y. WDOC Supervisors:** (*For this policy only.*) Any WDOC employee responsible for supervising another employee(s).

IV. PROCEDURE

A. General Provisions



1. All staff shall review this policy. Contracted personnel, service providers, and consultants shall review this policy and sign an acknowledgement that it has been reviewed, and understood, and that the person agrees to abide by this policy and laws governing confidentiality of information. (ACA 4-4070) (4-APPFS-3C-03)
 - i. WDOC Form #159.1, *Confidentiality Statement*, shall be used as acknowledgement that the signer has been informed of WDOC's policies on confidentiality of information and agrees to abide by them.
2. Requests for information or records from the WDOC shall be received in writing, unless extenuating circumstances exist not allowing for such request to be made in writing.
3. All requests for the dissemination of information about WDOC operations or specific inmates by the general public, record subject, other agencies, or federal, state, or local officials shall be responded to promptly, consistent with applicable laws, and with due regard to privacy protection statutes. (ACA 4-4019) (2-CO-1A-26) It is important that requests be responded to in a timely manner. All authorized releases of information shall be made consistent with this policy.

B. Public Records

1. Public records are distinguishable from criminal history record information and probation and parole records. Release of public records shall be made in accordance with the Wyoming Public Records Act, W.S. § 16-4-201, *et seq.*
2. WDOC is the official custodian of the public records in its possession and/or WDOC records housed at State Archives. Therefore, it is authorized by W.S. § 16-4-202(a) to regulate the inspection of public records as is reasonably necessary to protect the records and to ensure the regular discharge of its duties is not unnecessarily interfered with.
3. With specified exceptions, public records are to be open to inspection at reasonable times during business hours at the location of the records.
4. The application to inspect or copy public records shall be made in writing to the appropriate custodian, as defined in section IV.B.5. unless circumstances exist which do not allow a written application.
 - i. When satisfying a request for inspection of records, staff shall monitor the inspection of records to ensure the integrity of the



record is maintained. If monitoring may be done in conjunction with other duties there will be no assessment of fees. For determination of fees for monitoring an inspection see WDOC Form #159.2, *Schedule of Fees for Release of Information*.

5. Submitting applications: Applications for the inspection or copies of public records shall be directed as follows:

- i. General public shall direct the application to the Public Information Officer, WDOC, 1934 Wyott Drive, Cheyenne, WY 82009.
- ii. Inmates shall direct the application to the warden of the facility in which they are located. Inmates housed in WDOC contract facilities or community correction centers shall direct the application to the warden of the last WDOC facility in which they were housed.
- iii. Offenders shall direct the application to the Administrator of Field Services, WDOC, 1934 Wyott Drive, Cheyenne, WY 82009.

6. Receiving Applications: Upon receipt of an application by the custodian, and within seven (7) business days, unless good cause exists otherwise, the custodian shall do the following:

- i. Determine where within the agency the requested record is located and who has possession of the record. If it is not possible to determine where the public record may be located within the initial seven (7) days, such will be reflected in the required letter.
- ii. A determination shall be made if the application is to inspect the records or obtain copies of the records, whether in paper or electronic format.
- iii. If the application is unclear, the custodian shall seek written clarification from the applicant.
- iv. If the custodian does not have possession of the requested document s/he shall advise the applicant in writing and send the application on to the WDOC employee who does have possession of the document for further response to the application.
- v. The custodian and/or the employee in possession of the record shall determine if the requested record is a public record, and whether it is primarily in paper or electronic format.



- vi. If the custodian has the requested public record and it is immediately available for inspection at the location of the record, the custodian shall advise the applicant and make arrangements for inspection that do not impede or unnecessarily interfere with the regular duties of the WDOC.
 - a. An application to inspect public records requires the applicant to come to the location of the records, to include inmates being able to go to the actual location of the records. If this is not possible it will become necessary to make copies and any assessed fees per the WDOC Form #159.2, *Schedule of Fees for Release of Information* will apply.
 - vii. The acknowledgment letter shall be on agency letterhead. It shall acknowledge the receipt of the application and the date it was received; identify what documents are being requested under the Wyoming Public Records Act; whether the person receiving the initial application is in actual possession of the documents; identify the next steps, including whether time is needed to identify and further locate the requested documents; identify future follow-up as to any potential costs, and that additional information will be forthcoming, or deny the application as appropriate.
7. **Reasons for Denial:** Consistent with the Wyoming Public Records Act, inspection and/or copies of certain documents shall or may be denied, or portions of the documents redacted prior to release, on a case-by-case basis and the reasons for denial or redaction, consistent with the law, must be specified.
- i. The custodian shall deny the right of inspection of public records when it includes:
 - a. Disclosure of the record would be contrary to any state statute;
 - b. The inspection would be contrary to any federal statute or regulation;
 - c. The inspection is prohibited by rules promulgated by the Supreme Court or by the order of any court of record;
 - d. Medical, psychological or sociological data;



- e. Adoption or welfare records;
 - f. Personnel files, letters of reference;
 - g. Trade secrets or related confidential commercial information;
 - h. Hospital records, school district records;
 - i. 911 emergency information;
 - j. State information technology systems and physical security systems;
 - k. Individual diagnosis of contagious and other diseases;
 - l. Agricultural operations, farming, or conservation practice;
 - m. Individual income tax information, individual workers compensation claims.
- ii.** The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest when:
- a. To the extent the inspection would jeopardize the security of any structure owned, leased or operated by the state or any of its political subdivisions, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual;
 - (1) Vulnerability assessments, emergency procedures or security procedures contained in plans or procedures designed to prevent or respond to security threats; or a buildings life and safety systems, or information which is an unwarranted invasion of individual privacy.
 - (2) Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records that reveal the building's or structure's internal layout, specific location, life and safety and support systems, structural elements, surveillance techniques, alarms, security systems or



technologies, operational and transportation plans or protocols.

- (3) Records of any other building or structure owned, leased or operated by the state or any of its political subdivisions that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and
 - (4) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by the state or any of its political subdivisions.
- b. Interagency or intra-agency memos or letters that would not be available by law to a private party in litigation with the agency;
 - c. Any documents which are pre-decisional or subsequent to a final decision where the release of the document could be confusing as to what a final decision on a subject may be.
 - d. Denial under this authority shall include some specificity pertaining to the statutory section used in the denial, the reason(s) for the denial and a connection to "the public interest," which can be interpreted to address public and/or private welfare considerations.
- iii. Documents containing information which will be denied may be redacted and released if the integrity of the document is maintained and if the information to be redacted does not constitute a substantial majority of the document. If the information to be redacted ranges beyond seventy-five percent (75%) of the document, consideration should be given to denying inspection or copying of the entire document.
 - iv. The reason(s) for denial or redaction must be consistent with the Wyoming Public Records Act, W.S. § 16-4-203(b) and (d), and shall be stated to the applicant in a response letter.



- 8. Satisfying the Application:** While there are not specified time lines to complete a public records application after the initial seven (7) business days letter, requests must be reasonably worked on within the demands of the regular duties and responsibilities of those completing the application.
- i.** If the sought public records are within the agency or available through State Archives, the application will be forwarded by the recipient to the custodian, if it is not the same person, to complete the application, as indicated in the initial letter.
 - ii.** The custodian shall keep a record of each public records application, including an accurate record of the time involved in meeting the application and all correspondence with the applicant.
 - a.** Each WDOC facility and division shall report annually to the WDOC Public Information Officer the number and types of public records applications received during the fiscal year.
 - iii.** Once a determination has been made as to what is required to allow the applicant to view and/or obtain copies of a public record, along with any related costs, consistent with this policy, the applicant shall be advised in writing.
 - a.** This will include a summary of the application; an estimate of any cost involved consistent with this policy and the attached fee schedule; a general estimated time line to fulfill the application; an application for confirmation from the applicant that s/he is willing to pay for any associated costs, and it may indicate the application will be fulfilled in installments for large volume applications.
 - b.** The applicant shall also be advised that if there are associated costs, payment must be received prior to release of the documents. Cashier's checks or money orders must be made payable to WDOC. Once the payment is received, the staff member shall copy the requested documents and mail them to the applicant. A receipt for such payment will be provided and copied, along with the payment, to the WDOC fiscal manager.
 - c.** For large volume applications, it may be completed in installments with the accompanying required payment for



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each installment received prior to moving to the next installment.

- d. Inmates will be asked to submit the appropriate payment from their inmate accounts; while the general public shall submit a cashier's check made payable to WDOC.

C. **Costs, Charges and Fees:** Any associated costs or fees with a public records application will be consistent with this policy and WDOC Form #159.2, *Schedule of Fees for Release of Information*. The fee schedule is a determination of balancing the intent of the Public Records Act and the use and application of agency resources which can be dedicated to fulfilling related applications.

- 1. The department may waive any associated fee for non-profit organizations or if public records are sought for research purposes.

D. **Release of Information Form**

- 1. When federal or state law requires the record subject to sign a release of information consent form, the form shall comply with federal and state laws and regulations. Unless the release of information is required by law, an offender shall sign the release of information consent form prior to the release of information and a copy of the consent form shall be maintained in the offender's case record. (ACA 4-4099)(2-CO-1E-07)

- i. WDOC Form #150, *Consent for the Release of Confidential Information*, may be used when a release of information form is required. Another entity's release of information form may be used if it complies with federal and state law and regulation.

- 2. Unless the record subject has signed a release of information form, indicating the areas authorized for release, no record information held by WDOC, including a presentence investigation report, shall be released to anyone without first redacting all information pertaining to drug and alcohol abuse, diagnosis and treatment; all information regarding medical and mental health conditions, diagnosis and treatment; any information related to HIV and sexually transmitted disease test results and treatment; and educational records while under twenty-one (21) years of age provided that:

- i. The record subject is entitled to an unredacted copy of the presentence report, except as noted in Section IV.D.4.ii., nor shall the attached list of victims and any victim addresses be released.



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- ii. If the record subject is incapacitated as determined by a valid court order, an individual granted Power of Attorney by the incapacitated inmate may consent for the release of information in place of the record subject.
- 3. A release of information form, signed by the record subject, is required to release information pertaining to Wyoming juvenile adjudication(s), consistent with W.S. § 14-6-203(g).
- 4. If a release of information by the record subject is required as part of a public records request, the applicant requesting the information shall be so advised and provided a copy of WDOC Form #150, *Consent for the Release of Confidential Information*, for submission with their request.
 - i. As circumstances may dictate, WDOC staff may also facilitate the signing of a release of information form by the record subject.

E. Authorized Releases of Criminal History Information

- 1. **Criminal Justice Agencies.** Criminal history records, excluding the exceptions noted in Section IV.D.2., may be released to criminal justice agencies.
 - ii. Presentence investigation reports may be released to criminal justice agencies unless the release of the presentence investigation report could compromise public safety, victim security, or the physical safety of named individuals as determined by the Director. If there is not an appropriate release of information signed by the record subject, all legally protected information shall be redacted prior to release.
 - iii. Steps shall be taken to ensure that any release of intelligence information to law enforcement officials will not result in compromise to internal security, such as disclosure of identities of confidential informants to third parties.
- 2. **Statutorily Authorized Entities.** To include other criminal justice agencies; any person designated for the purpose of provided by W.S.14-6-227; the Department of Family Services (includes child support enforcement); other governmental agencies as authorized by the laws of the United States or any state or by executive order; an individual who has met the requirements established by the division (DCI) to ensure the record will be used solely as a statistical research or reporting record and the record is transferred in a form that is not individually identifiable; the Department of Health; court supervised treatment program staff solely for



the purposes of obtaining background information on applicants for licensure or certification; the Wyoming Secretary of State; public fire departments and ambulance services for the purposes of obtaining criminal history information on prospective employees; Office of Homeland Security; Wyoming Department of Transportation for limited purposes; Wyoming Department of Audit; Wyoming State Auditor; Wyoming adult community corrections facility operators and boards; and private providers of supervisory services under contract with criminal justice agencies.

3. **Regulatory Agencies.** Regulatory agencies may be provided address, telephone number, and social security number, in addition to information available to the public under Section IV.C.6. of this policy. Any request beyond this scope shall be referred to the Director or designee.
4. **Record Subjects or Their Designees.** Criminal history record information, other than that contained in probation and parole records, shall be released to the offender who is the subject of such information, except as specifically identified in this policy. Information that may be released to a record subject may also be released to a person or entity designated by the offender, with a written, signed and witnessed release of information form executed by the record subject to the following restrictions.
 - i. The following types of information shall not be released unless authorized by the Director or ordered by a court:
 - a. Intelligence information;
 - b. Identities of confidential informants or victims;
 - c. Security information, including Security Threat Group information;
 - d. Information provided by another agency under condition of confidentiality, including, but not limited to NCIC printouts; or
 - e. Information that implicates any other correctional facility, WDOC or state concerns of security, safety and good order, or is otherwise privileged from disclosure.
 - ii. Presentence investigation reports and parole summaries shall not be provided to the record subject while a WDOC inmate.



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However, the inmate record subject shall be allowed to review the reports under the supervision of a designated staff person.

- iv. If the record subject has granted Power of Attorney to another person with a written, signed, and properly witnessed statement, and the record subject is not incapacitated and unable to make his/her own decisions, a release of information form signed by the record subject shall be required to release confidential information. If the record subject is incapacitated, the person with the Power of Attorney authority shall have a court order indicating such and the necessary documentation to allow the WDOC to release such information on the record subject.

- F. **Victim Notification Recipients.** Designated criminal history record information shall be provided by the Victims Notification Program to certified recipients as outlined by WDOC Policy and Procedure #1.018, *Victim Notification Program*.
- G. **Non-Criminal Justice Counselors and Service Providers.** Non-criminal justice counselors and service providers serving a criminal justice purpose as authorized by the WDOC shall receive only that information necessary, in addition to information authorized to the general public, for them to effectively work with the offender. Such releases shall require a signed, witnessed release of information form by inmates, probationers and parolees.
- H. **General Public.** WDOC may release the following information regarding any individual who is or has been committed to the supervision or custody of the WDOC, including individuals from other states under WDOC supervision or custody pursuant to an interstate compact, unless release of the information could compromise the physical safety of the individual.

2. The information which may be released includes:

- i. Name and other identifying information: includes full name, known aliases, date of birth, but not social security number;
- ii. Photograph and physical description: photograph or digital image if available, height, weight, eye color, hair color, scars, marks, tattoos, other distinguishing physical features;
- iii. Any conviction for which the individual was committed to the supervision or custody of the WDOC: including convictions from other jurisdictions resulting in custody or supervision by WDOC;



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- iv. Projected parole eligibility, release and discharge dates: full and projected minimum discharge dates, full and projected maximum discharge date;
 - a. Current location of the individual's supervision or custody: name and geographic location of incarceration facility, state, county and town of supervision; and
 - (1) Home address shall only be released with the approval of the division administrator.
 - b. Date of release from the WDOC's supervision or custody.
- v. Unless otherwise specifically prohibited by court order, or if disclosure may be withheld under other pertinent law, the WDOC may, ten (10) years after the date of death of the record subject, release to the public any record created and maintained by the WDOC relating to an individual committed to the supervision or custody of the WDOC, except:
 - a. Records regarding the victim of the crime;
 - b. Medical, psychological and dental records of the offender;
 - c. Records relating to the security of any correctional facility in which the inmate was housed during his/her incarceration; and
 - d. Records relating to out-of-state placement of the inmate.

I. Court Orders

- 1. Criminal history record information shall be released as ordered by a court with jurisdiction over the WDOC. The WDOC's legal representative shall be consulted prior to any such release pursuant to a court order. Court orders do not include subpoenas, subpoenas duces tecum, or anything other than an order issued by a judge of competent jurisdiction. Subpoenas commanding testimony in cases other than revocation proceedings or records of criminal history information shall be immediately directed to WDOC's legal representative for disposition.

J. Prohibited Releases

- 1. **Criminal History Records.** Criminal history record information shall not be released, unless otherwise allowed under this policy, ordered by a



court, WDOC Director or released by the record subject, to the general public, news media, the Public Defender's Office, the Victim Services Division, or any other individual, agency or entity which is not a criminal justice agency.

- i. Any criminal history record information may be denied to any entity or individual based on individual, WDOC, or public safety or security concerns.

2. **Probation and Parole Records.** All information and data obtained in the official duties by probation and parole agents is privileged information pursuant to W.S. § 7-13-409 and shall not be released to anyone other than a judge or an individual or entity entitled to receive such reports, unless ordered by a judge with jurisdiction over the WDOC, the parole board, or the Director.

- i. One exception to this privilege involves W.S. § 14-3-210 which allows and requires the release of probation and parole records promoting the best interest of the child.
- ii. Information on individuals placed on probation supervision under W.S. § 7-13-301 or W. S. § 35-7-1037 is not to be released to the general public. This information may be obtained from the sentencing court.

3. **Victim Information.** Information regarding the identities, locations, or other facts regarding victims of offenders within the WDOC shall not be released to any person or agency except as outlined in WDOC Policy and Procedure #1.018, *Victim Notification Program*.

4. **Juvenile Records.** Records of proceedings in juvenile court may only be released pursuant to W.S. § 14-6-203(g).

5. **Personnel Information.** Personnel records of WDOC staff shall not be released to any individual or entity other than the staff member, the staff member's designee upon written release of the staff member, or the duly elected and appointed officials who supervise the staff member's work. All requests for personnel records shall forwarded to the WDOC Central Office Human Resources Office prior to release.

6. **Inmate Earning Records.** The amount in an inmate's account shall not be disclosed to the public pursuant to W.S. § 7-16-205(b).



7. **Medical Records.** Inmate medical and mental health records are protected by federal law under Title 45 of the Code of Federal Regulations (CFR).
- i. The confidentiality of inmate health records shall be maintained in accordance with WDOC Policy and Procedure #4.319, *Confidentiality of Inmate Health Records*.
 - ii. Inmate medical and mental health records which are maintained by correctional facility medical providers shall be disclosed to WDOC personnel pursuant to National Commission of Correctional Health Care (NCCHC) standards and WDOC contracts with providers, including transmittal of records between correctional facilities upon inter-correctional facility transfers or referrals.
 - iii. Information regarding medical conditions, including contagious or infectious disease status, shall be limited to WDOC medical and administrative personnel based on a need to know, and the WDOC of Health as required by law. Medical and mental health information on the record subject available to the appropriate WDOC and contract staff, does not extend to WDOC field staff without a signed release of information form.
 - iv. Inmate medical records shall not be released to any non-WDOC agency or entity, other than other state's department of corrections and contract providers for purposes of contract housing, except in case of a medical emergency or upon the written release of the record subject.
 - v. Inmates' access to their own medical records shall be governed by regulations established by the medical provider in conjunction with the correctional facility warden.
 - vi. Offenders' records pertaining to medical conditions, diagnosis and treatment shall not be released without a signed release of information form by the record subject.
8. **Drug and Alcohol Abuse/Mental Health.** Offender records pertaining to drug and alcohol abuse, diagnosis and treatment; and mental health records for offenders who are dual-diagnosed, pertaining to conditions, diagnosis and treatment are protected by federal law under Title 42 of the Code of Federal Regulations (CFR).
- i. This information shall not be released without a signed release of information form by the record subject.



- K. Intelligence and Security Information.** Reports of internal or external investigations relating to the operations of the WDOC and its correctional facilities and field services or relating to possible violations of law or rules by offenders or staff may fall under the Criminal History Records Act or the Wyoming Public Records Act depending upon the circumstances. The Director or designee shall be consulted for approval prior to the release of any intelligence, security or investigation information or reports. Steps, which could include denial of the request or redaction of the record prior to release, shall be taken to ensure that any release of intelligence information will not result in compromise to internal security, safety, or good order of an institution, or the physical safety of an individual.
1. Security procedures, defined as any WDOC or correctional facility policies, procedures, regulations or other documents, release of which would compromise agency or correctional facility security, safety, or good order, shall not be released to any non-WDOC individual or agency except upon the order of the Director or a court.
- L. Intra-Agency Communications.** Written communications between administrators, staff or agents of the WDOC, or between attorneys of the WDOC and its administrators, staff or agents, shall not be released to anyone other than an administrator, staff member or agent of the WDOC without approval of the Director or designee.
- M. Other Confidentiality Requirements.** No information or records shall be released contrary to pertinent federal law or contrary to a request for confidentiality by the agency, individual or entity which provided the information or records to the WDOC. No information or records shall be released where such release would be contrary to public interest. Any request for information not defined in this policy will require review by WDOC's legal staff and the Director, to determine if the information should be released.
- N. Maintenance of Security.** All confidential records shall be securely maintained by authorized individuals to ensure no access by unauthorized individuals or entities.
- O. Questions about Release.** WDOC Form #159.3, *Release of Information Matrix*, provides a quick reference for WDOC staff regarding what information may be released to whom. However, this policy must be consulted for detailed instructions regarding authorized and prohibited release of information. In any case where the authority of a requesting individual or entity to receive confidential information is questionable, or it is unclear which statute(s) may apply to the requested information, the matter shall be referred to the WDOC's Director or designee for advice. The Director has



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final authority regarding questions about the release of information or records on behalf of the WDOC.

P. Information may be requested and supplied in the following manners:

- 1. Automated Information Systems.** The WDOC may provide automated systems for public access to information authorized for release under this policy, via telephonic or internet access.
- 2. Mass Information Requests.** In cases of general public or commercial requests for mass information in electronic data format, WDOC staff shall review the request and determine any fees such as staff time, cost of copies, and cost of the medium, along with a timetable for response to the requestor. The WDOC has the right to refuse or limit this type of request consistent with this policy and relevant law.
- 3. Requests for Information, but not Documents.** Any WDOC personnel may respond to authorized oral or written requests for information either orally, in writing, or by electronic mail. Persons responding to oral requests for information, but not documents, may require the request be submitted in writing.
- 4. Requests for Documents.** Requests by criminal justice agencies, other state agencies and offices excluding the Public Defender's office may be made orally or in writing, and no copying fees will be assessed for documents.

Q. Violations of Regulation. Intentional violations of the requirements of this policy shall constitute grounds for possible disciplinary action pursuant to the *State of Wyoming Personnel Rules*.

V. TRAINING POINTS

- A. What records are considered public records?
- B. Requests for personnel records are reviewed by whom?
- C. Who can receive criminal history records generally?
- D. What are the procedures for charging for copying fees?
- E. What records can be released to the parole board?



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- F.** What records can and cannot be released to the offender?
- G.** Who can receive victim information?
- H.** What information can be released to non-criminal justice counselors?
- I.** When can an outside agency receive medical records?
- J.** When it is questionable whether a requesting individual or entity can receive requested information, who makes the final determination?
- K.** When should a request for information be submitted in writing?