Checklist for Developing Law and Policy on Information Sharing[1]

- ☐ Research the legal authority for enacting the law/policy.
- ☐ Evaluate the scope of the law/policy—what agencies and/or individuals will have to follow the mandates of this law/policy.
- ☐ Identify the purpose(s) of the law/policy.
- ☐ Determine the information to be shared under this law/policy.
    - ☐ Determine what information will be disclosed from which agency and to which agency, and in what circumstances.
- ☐ Cite the federal and state laws that govern
    - ☐ The disclosure of the above information: when, how (in what circumstances) and to whom can each agency can disclose information
    - ☐ What the recipient is permitted to do with the information, including whether or not the recipient can disclose the information to a third party
    - ☐ What the recipient is prohibited from doing with the information
- ☐ Determine the responsibilities of the agencies/individuals governed by the law or policy:
    - ☐ Individuals (by title) or departments within each agency responsible for obtaining signed consent from the parent and/or child to release information to another agency
    - ☐ Individuals (by title) or departments within each agency authorized to *disclose* information to another agency
    - ☐ Individuals (by title) or departments within each agency authorized to *receive* information from another participating agency
    - ☐ Individuals (by title) in each agency responsible for resolving complaints of improper disclosure of information
- ☐ Develop the process for obtaining informed consent from parent and/or child to disclose information for
    - ☐ Verbal and written notice to parent and child of
        - ☐ Why they are being asked to authorize the disclosure
        - ☐ How the receiving agency can and cannot use the information
        - ☐ Their options to refuse consent or revoke consent at a later date
        - ☐ The grievance procedure they can use if they think information was improperly disclosed (see bullet on consumer protections below)
    - ☐ Universal written consent form, including the following elements:

- □ Individual whom the information concerns
- □ Identity of the disclosing agency
- □ Identity of the recipient agency
- □ Details of the information to be disclosed
- □ Purpose of the disclosure
- □ What the recipient can and cannot do with the information
- □ Expiration date or event
- □ How individual can revoke his or her consent
- □ Date and signature of individual giving consent, with a statement that he or she has the right to receive a copy of the consent
- □ Determine the circumstances when agencies may or must disclose information without first obtaining consent from the parent and/or child.
- □ Create consumer protections:
  - □ Grievance procedure for children and their families in cases of improper disclosures of information
  - □ Protocol for children and their families to see their records and request correction of inaccurate information in their records
- □ Develop a conflict resolution protocol resolving disputes between the agencies governed by the law or policy; if the parties have a disagreement about how the law or policy is being implemented by one or more agencies, how will that dispute be resolved?
  - □ Individuals (by title) or departments within each agency responsible for carrying out the conflict resolution protocol
- □ Schedule the training of personnel on law/policy:
  - □ Individuals (by title) or departments within each agency responsible for conducting the trainings
  - □ Training calendar—how often trainings will be offered to deal with staff turnover
- □ Announce the effective date of law or policy.