

Confidentiality and Authority for Release of Information/Right to Communicate (R-407)		
Manual: RSB Policy & Procedures	Document Number: 802	Section: Forms and Case Filing
IMPACT Review: 6/4/2025	SRC Review: 7/22/2025	Finalized Date: 11/10/2025

SCOPE OF SERVICES

The following policy is designed to safeguard the confidentiality of all personal information, including photographs and lists of names. These specific safeguards are in place to protect current and stored personal information. IVRS complies with the Family Educational Rights and Privacy Act (FERPA), Public Law 93-282, 45 CFR 164.508 regarding use and disclosure of specific health information, Confidentiality of Alcohol and Drug Abuse Patient Records, Iowa Code Section 228.2 on release of mental health information, and Iowa Code section 141A.9 on release of HIV/AIDS information. The following provisions are expected to be followed as they pertain to the confidentiality of any recipients of IVRS services, including, where applicable, those who are potentially eligible. The individual may provide permission for IVRS to share their story with legislators or through other means such as social media.

AGENCY EXPECTATIONS

Information will be obtained from service providers and cooperating agencies using a Release of Information form (R-407) signed by the recipient and when appropriate, the recipient's guardian. Copies of all R-407 forms sent are retained in the case file. Parties who provide information to IVRS are assured that information received by IVRS will not be further released without the job candidate's approval or except in response to an order, subpoena, or summons issued by the court or other judicial body and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

PROCEDURES

All recipients and guardians (when applicable) are informed of the following:

- IVRS' need to collect personal information and that this authority is granted under 34 CFR 361.38;
- All personal Information given or made available to IVRS during administration of the Vocational Rehabilitation program will be held confidential;
- The principal purpose(s) for which IVRS intends to use or release the information;
- Providing the information is voluntary, however, failure to provide it could result in case closure or a negative case decision when the information is necessary and vital to the rehabilitation success of the plan;
- The situations in which IVRS does not require informed consent of the individual before releasing information (i.e. exchange with workforce development partners to comply with performance accountability requirements of section 116 of WIOA);
- The other agencies to which information is routinely released;
- The IVRS confidentiality policy provides no fewer protections than the State laws and regulations;
- They may request copies of their records to be provided to their lawyer or themselves by filling out the [IWD Waiver and Authorization form](#) (Waiver) at a cost outlined in the [Copies of Case File Information policy](#) to cover the costs of duplicating the records;

- They may review the record at any time, but any information considered harmful to the job candidate or other individual may be redacted for safety reasons unless the record is released to a psychiatric or psychological professional (therapist or doctor) who will review the record with the individual;
- IVRS has the authority to only release records directly to the job candidate, unless there is something deemed harmful in which case the information is then provided to a third party or chosen by the individual unless the court has appointed a representative, in which case it must be released to the court appointed representative for the fees outlined in the Copies of Case File Information policy;
- All personal information must be used only for purposes directly related and connected to the administration of the program and personally identifiable information will not be shared with advisory or other bodies that do not have the official responsibility for the administration of the program;
- Information gathered from other agencies and entities for the administration of the program will not be shared or divulged except when the job candidate provides written consent for re-release via [Waiver](#);
- Tracking of information shared with other organizations will be kept in the case record according to HIPAA Rules.

The [Consent for Release of Safe Data](#) form is completed during the intake process. As outlined in the [Governance Group Memorandum of Agreement \(MOA\)](#), this release form is utilized to share basic information across partners to benefit individuals who are co-enrolled in IVRS, Iowa Department for the Blind (IDB), Iowa Workforce Development (IWD) and the Iowa Developmental Disabilities Council. The purpose of the Governance Group MOA is to improve collaboration and coordination of career and employment services across the entities listed above. The Consent for Release of Safe Data form allows staff to share the information included on the form that is considered “safe data”. Information in the “restricted data” categories, including disability-related information, may not be shared without a signed R-407 form.

Authority for Release of Information/Right to Communicate

The Authority for Release of Information/Right to Communicate (R-407) form, when properly completed and signed, fulfills the requirements for:

- Release of medical, hospital, psychiatric or psychological information;
- Release of educational records; or
- Two-way communication between IVRS and other entities.

This form does not replace the job candidate’s decision-making authority over their participation in IVRS services.

Care must be taken not to request information that inadvertently reveals restricted information (i.e. alcohol and drug abuse, mental health and HIV/AIDS information), unless the specific section of the release is signed.

Prior to sending out a release, a copy is made and added to the job candidate's case record. A "date sent" notation should be made on the release. The [Medical Records Letter](#) must be sent with all release forms requesting medical information. Procedures for authorizing and billing for medical records are outlined in the [Fiscal Year Determination for VR Case Service Expenditures policy](#).

The following are required information that must be included on the R-407 form:

- Identifiers to assist the vendor in locating the appropriate records (i.e. Social Security number, date of birth, hospital patient number, insurance or VR claim number, student ID number, etc.)
- The name and address of the agency, clinic, facility, or group from which the information is being sought or the individual or entity with whom the release allows two-way communication.
- Specific date or time period of reports. If dates are unknown, request information for the preceding two years.
- The specific information being requested, including restricted information, or the right to communicate, if applicable. For individuals with a legal guardian, the legal guardian initials the associated areas on the form to deny release of restricted information.
- Required signatures. A parent or guardian signature is required if the job candidate is under age 18. There may also be cases in which the signature of a parent/guardian/responsible agent should be obtained as a matter of principle, particularly when mental competency due to a severe intellectual disability or psychiatric illness is an issue. If a signature is obtained from someone other than a parent or guardian, their relationship to the individual should be noted. A witness signature is not required in Iowa, however, laws in other states may require it. In this event, IVRS staff should sign as the witness.

Under no circumstances is an incomplete R-407 form to be signed and included in the IVRS case record; nor should a form be modified without the job candidate's approval and signature.

Disclosure Information

To be valid under Iowa law, a release directed to IVRS for job candidate records must:

- Be in writing and directed to the agency;
- Give the name or title of the organization or individual to whom disclosure is to be made;
- Include the name and signature of the job candidate;
- Specify the extent or nature of the information to be disclosed (drug and alcohol abuse, mental health, and HIV/AIDS information must be specifically cited to be included);
- Include a statement that consent is subject to revocation at any time and specify the event or condition upon which it will expire without revocation; and
- Show the date on which the consent was signed.

When a release is directed to IVRS for job candidate records, a copy is made and the original release is sent with the material. The copy is saved in the job candidate's case record.

Re-Disclosure Information**Third Party Requests for Information:**

IVRS follows the guidelines of the original provider for any third-party requests for personal health information. Many providers enforce rules preventing re-release of such information and therefore IVRS abides by these rules. IVRS will consult with the originating provider to obtain permission to re-release information. If permission is not received, the individual and/or parent/guardian (when applicable) will be directed to the originating provider to obtain the information.

IVRS will re-disclose personal health and vocational information, when allowable, with written consent of the job candidate, and parent/guardian if the job candidate is less than 18 years of age or has a legal guardian if over the age of 18. The written consent must clearly specify to whom the information will be disclosed, the information that the job candidate wants IVRS to disclose (i.e. social security number, date and place of birth, medical records, psychiatric records, vocational reports, etc.), and, where applicable, the timeframe of the information to be disclosed (i.e. school year, calendar year, specific month, etc.). If the source of the request for information is from a third party (not the individual nor a court of law), re-disclosure of external records and reports along with IVRS generated documents may be re-disclosed with the written consent of the job candidate as long as the release details the information as described above. For protected information (substance abuse, mental health, and HIV/AIDS) the release must specifically state this information may be re-released. When records are requested by law offices for possible legal action, the law office should be informed that IVRS only maintains copies of the portion of the records used for eligibility determination and plan development, and a complete copy of the individual's health record should be requested directly from the provider.

IVRS will not honor a blanket consent for all information in a case record. Only the information specified by the consent of the job candidate will be disclosed. When necessary, IVRS will validate the job candidate's request and, where applicable, the identity to whom the record is being disclosed (i.e. when the consent to disclosure is to be a specific individual).

The Disability Determination Service (DDS) Bureau and IVRS are both divisions of Iowa Workforce Development and therefore are not considered an external party for release of medical records. The Social Security Administration has agreed that IVRS and DDS are one agency. Therefore, medical information, when requested, may be shared between IVRS and DDS without the need for a Release of Information.

Release for Subpoena or Court Order:

If the source of the request is a subpoena or court order, the terms of the subpoena or order dictate what information must be disclosed. External records and reports in the organization's possession must be disclosed if they are within the scope of the subpoena or court order. However, IVRS staff cannot attest to how those records were originally created, but only how those records are used in daily IVRS operations. Ultimately, the admissibility of the requested information in court is not the concern of IVRS when it is in response to a court order or subpoena. IVRS staff should immediately contact their supervisor and the IVRS staff attorney if served any type of court document.

Release for Audit, Evaluation and Research

Personal information concerning a job candidate of IVRS may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly related and connected with the provision and administration of the vocational rehabilitation program; or for purposes that would significantly improve the quality of life for recipients and eligible individuals only if the organization, agency, or individual assures that:

- The information will be used only for the purposes for which it is being provided;
- The information will be released only to persons officially connected with the audit, evaluation, research, or program;
- The information will not be released to the individual involved;
- The information will be managed in a manner to safeguard confidentiality;
- The final product will not reveal any personal identifying information without the informed written consent of the job candidate or the job candidate's representative;
- The information will not be released to other programs or authorities without the job candidate's or, if appropriate, the job candidate's representative's consent as long as the information being released is necessary for the program receiving it;
- Medical or psychological information may be released to other organizations if IVRS determines that it is being released only for the purpose for which it was requested and not directly to the job candidate;
- The state IVRS agency must release personal information if required by federal law or regulations;
- IVRS must release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations and in response to an order issued by a judge, magistrate, or other authorized judicial officer; and
- IVRS may also release information that is personal to protect the individual or others if the job candidate poses a threat to the safety of the job candidate, or to the safety of others.

All requests for job candidate information from such organizations, agencies, or individuals are to be forwarded to an RSB Bureau Chief. Each request will be evaluated as to its potential contribution to the field of rehabilitation and to the state agency, the staff time that would be required to respond, the complexity of the request, and the relative ease of retrieving the requested information. The team's recommendations will be forwarded to the Administrator for final disposition.

Release of Information in Emergency Situations

IVRS may release personally identifiable information in emergency situations to protect the individual or others when the individual poses a threat to the safety of self or others. A written request is not required, but all facts and circumstances must be recorded in the job candidate's case record.

Failure to observe these requirements is a violation of Public Law 93-282, Iowa Code Section 228.2, and Iowa Code Section 141A.9.

Inaccurate or Misleading Information

Any recipients and their representatives are informed they may request that IVRS amend any information that is determined to be inaccurate or misleading. If the information is not amended, the request for an amendment must be documented in the case file or placed atop the information showing the request of the individual and the information that is not accurate in the individual's opinion.

Information Received on CDs and Flash Drives

The following is the process when handling, storing and destroying CDs containing confidential job candidate records. Failure to follow any of these steps poses a security risk and jeopardizes the ability of IVRS to obtain records and could result in discipline:

- The CD or flash drive will not be duplicated at the local or state level or shared with any outside person or entity;
- CDs should be destroyed after relevant information has been added to the case record. If the office does not have the capability to shred CDs, the CD is sent to the Statistical Assistant in Des Moines for destruction.
- Flash drives may not be plugged into state-owned devices. If information is received on a flash drive, it is to be sent to the Information Technology (IT) office. IT staff will pull the information from the flash drive and notify appropriate staff of its location on the network after the information has been saved. Staff should make a copy of any relevant information and add it to the case record. Once the information is uploaded to the job candidate's case record, the file on the network can be deleted.

EXCEPTIONS

- None

APPLICABLE FORMS, DOCUMENTS, LINKS

- [Authority for Release of Information \(R-407\)](#)
- [Consent for Release of Safe Data](#)
- [Copies of Case File Information Policy](#)
- [IVRS Media Release](#)
- [Partner Media Release](#)
- [IWD Waiver and Authorization Form](#)