

SENATE BILL NO. 2118
with House Amendments

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2118

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code,
2 relating to confidentiality of information contained in department of human services records;
3 and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 50-06-15 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-06-15. Disclosure Confidentiality of information contained in records -**

8 **Penalty.** ~~It is a class A misdemeanor for any person to disclose, authorize, or knowingly~~
9 ~~permit, participate in, or acquiesce in the disclosure of any records or~~

10 1. Individually identifiable information concerning persons an individual applying for
11 or receiving assistance or services under any program administered by or under
12 the supervision and direction of the department when such information is derived
13 directly or indirectly from records, papers, files, or communications received in the
14 course of the administration of any such program or in the performance of official
15 duties is confidential, except that any such records and information, including an
16 individual's social security number, may be used in and disclosed:

- 17 a. In the administration of any such program and as;
- 18 b. As specifically authorized by the rules and regulations of the department; or
- 19 c. As permitted or required by other law.

20 2. A vendor, agent, or contractor of the department must agree to maintain the
21 confidentiality of individually identifiable information disclosed to that person by the
22 department or by any individual applying for or receiving assistance or services
23 and may use and disclose confidential information only to the extent that person's

- 1 agreement with the department permits the use and disclosure of any such
2 information.
- 3 3. As used in this section, "individually identifiable information" means information,
4 including an individual's name, address, telephone number, facsimile number,
5 social security number, electronic mail address, program identification number, or
6 any other unique identifying number, characteristic, or code, as well as
7 demographic information collected from an individual, that:
- 8 a. Is created or received by the department; and
9 b. Relates to the past, present, or future assistance or services applied for or
10 received by an individual under any program administered by or under the
11 supervision and direction of the department that identifies the individual or
12 with respect to which there is a reasonable basis to believe the information
13 can be used to identify the individual.
- 14 4. Any person who discloses, authorizes, or knowingly permits, participates in, or
15 acquiesces in the disclosure of any confidential information in violation of this
16 section is subject to the penalty provided in section 12.1-13-01.