

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 660 Department of Human Resources  
Rule No. 660-1-6-.09  
Rule Title: Public Access to Records  
         New     X     Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? .....          Yes         

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? .....          Yes         

Is there another, less restrictive method of regulation available that could adequately protect the public? .....          No         

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? .....          No         

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? .....          N/A         

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? .....          Yes         

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? .....          NO         

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Does the proposed rule have an economic impact?          Yes         

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer         Amy A. Gubner          
Date         9.21.2020        

REC'D & FILED  
OCT 16 2020

LEGISLATIVE SVC AGENCY

(DATE FILED)  
(STAMP)

APA-2

(Department of Human Resources)  
Family Assistance Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Human Resources

RULE NO. & TITLE: 660-1-6-.09 Public Access to Records

INTENDED ACTION: Proposed permanent amendment

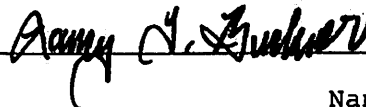
SUBSTANCE OF PROPOSED ACTION: To amend the rule to correctly identify the applicable program as well as to add previously omitted language.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed amendment by mail or in person through the close of business on December 5, 2020. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 5, 2020

CONTACT PERSON AT AGENCY:

Gail Grobe, AP Secretary  
State Department of Human Resources  
Gordon Persons Building  
50 Ripley Street, Suite 2122  
Montgomery, Alabama 36130-4000  
(334) 242-9334



Nancy T. Buckner  
Commissioner

APA-6

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-1-6-.09

Rule Title: Public Access To Records

       New   X   Amend        Repeal        Adopt by Reference

       This rule has no economic impact.

  X   This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Update of the rule will provide clarity of the subject matter.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE,  
EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND  
ACHIEVING THE STATED PURPOSE:

Provides for more accurate application of the rule to family assistance cases.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN  
THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA  
WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Temporary Assistance for Needy Families Block Grant

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The impact is accurate release of information pursuant to the rule.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

\*\*Additional pages may be used if needed.

**Department of Human Resources  
General Administrative Division  
Chapter 660-1-6  
Confidential Materials**

**660-1-6-.09 Public Access To Records.**

- (1) Where federal or state law or regulations require or allow access, the Department shall disclose and release Department records, or copies thereof, to state or federal agencies and other governmental entities to receive them.
- (2) The Department may allow access to Department records, or copies thereof, and other confidential information to agencies and other governmental entities within or outside Alabama to which the Department has transferred cases.
- (3) If allowed or required by law or determined to promote the functions of the Department, the Department may allow access to Department records, or copies thereof, and other confidential information to intrastate or interstate registries.
- (4) Upon request, current address information on ~~feed stamp~~ Family Assistance Program recipients shall be released to any federal, state or local law enforcement authorities officer if the individual is fleeing to avoid prosecution, custody or confinement for a felony, the individual is violating a condition of parole or probation, or has information necessary for the officer to conduct an official duty related to a felony or parole/probation violation. The officer must furnish the recipient's name and notify the agency that locating or apprehending the individual is an official duty and the request is being made in the proper exercise of an official duty. The information may be disclosed or released only upon a oral or written request that contains (1) the name of the requester, (2) the requester's position and authority, (3) crime being investigated, (4) the name of the person on whom information is requested, and (5) the information being requested.
- (5) Child Abuse and Neglect records and other confidential information may only be disclosed or released under those circumstances as outlined in Rule 660-1-6-.05, or to the Division of Legal Services, Division of County Operations, or those administrators or Department personnel with a need to know.
- (6) Child foster care and adoption assistance case

records or other confidential information may be disclosed or released in connection with programs operated under Titles I, IV-A, IV-B, IV-C, IV-D, V, X, XIV, XVI, XVI (SSI), XIX, or XX of the Social Security Act and the TANF/JOBS program. Such records or information may also be disclosed or released in connection with other federal or federally assisted programs providing assistance, in cash, or in kind, or services, directly to individuals on the basis of need.

(7) ~~Aid to Families with Dependent Children (AFDC)~~ Family Assistance (FA) case records and other confidential information may be disclosed or released in connection with programs operated under Titles I, IV-A, IV-B, IV-C, IV-D, X, XIV, XVI (AABD), XVI (SSI), XIX, or XX of the Social Security Act. ~~and the TANF/JOBS program.~~ Such records or information may also be disclosed or released to other federal or federally assisted programs providing assistance, in cash, or in kind, or services, directly to individuals on the basis of need.

(8) Food stamp case records and other confidential information may be released in connection with other federal or federally aided, means tested programs, such as Titles IV-A (AFDC), XIX (Medicaid) or XVI (SSI) or with general assistance programs subject to the joint processing requirements also be disclosed or released to the Comptroller of the United States for audit purposes, as allowed by law, and to Federal, State or local law enforcement officials investigating violations of the Food Stamp Act or regulations.

(9) Child support case records and other confidential information may be disclosed or released in connection with programs operated under Titles II, IV-A, IV-B, IV-C, IV-D, X, XIV, XVI, XVI (SSI), XIX, or XX of the Social Security Act and the TANF/JOBS program. Such records or information may also be disclosed or released to any other federal or federally assisted programs providing assistance, in cash, or in kind, or services, directly to individuals on the basis of need.

(a) Upon request of the agency, the Department shall release or disclose to a consumer reporting agency information regarding the amount of overdue support owed by noncustodial parents who meet the following criteria:

1. The custodial parent or caretaker of the child or children for whom the noncustodial parent owes support is a recipient of Title IV-D services.

2. The overdue support is \$1,000.00 or more.

3. There has been no good cause determination or court order otherwise prohibiting enforcement of a child support obligation.

(b) The Department shall provide advance notice to the noncustodial parent who owes the support of the proposed release of information to specific consumer credit reporting agency or agencies. The Department shall also inform the noncustodial parent of the methods available to contest the accuracy of the information.

1. The term "request" means a written statement asking for child support payment information on an individual, group, or all absent parents. This request must also state that the requesting party is a consumer reporting agency under 15 U.S.C. §1681a.

2. The term "consumer reporting agency" means any person which, for monetary fees, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(c) Child support payment records contain confidential information and may not be disclosed outside the administration of the IV-D program. Payment records may be released to the custodial or noncustodial party to whom they pertain. They may be provided to the courts and other entities or individuals if it is for the purpose of the IV-D program (i.e. enforcing and collecting child support). Payment records may only be released to individuals or entities outside the administration of the IV-D program with signed authorization from the custodial or noncustodial party. Child support payment information is available to the custodial or noncustodial parent in a variety of formats, including information available in person, by telephone, via the Internet, in paper or electronic form. The terms of the court may also be released with the payment history.

(10) The Department may disclose child foster care or adoption information to various media organizations and other persons in order to provide the permanent planning for and the placement of children or where it is determined that such disclosure will promote the functions of the Department.

(11) Department records and other confidential

information shall be disclosed and released to the Attorney General, District Attorney, or approved Department attorneys for the purpose of program fraud investigation, assistance and prosecution as outlined by rules contained in this chapter.

(12) Adult Protective Service Records and other confidential information may be disclosed or released only under those circumstances as outlined in Rule 660-1-6-.11, or to the Division of Legal Services, Division of County Operations, or those administrators or Department personnel with a need to know.

(13) Adult services records or other confidential information may be disclosed or released in connection with programs operated under Titles I, IV-A, IV-B, IV-C, IV-D, V, X, XIV, XVI, XVI (SSI), XIX, or XX of the Social Security Act and the TANF/JOBS program. Such records or information may also be disclosed or released in connection with other federal or federally assisted programs providing assistance, in cash, or in kind, or services, directly to individuals on the basis of need.

(14) Provided no state or federal law specifically prevents it, record custodians of the Department as defined in Rule 660-1-6-.10 may disclose or release to any person statistical information on the number, race, sex or age of persons statewide or in a certain geographical area applying for, denied, receiving or terminated from programs operated by the Department. The Department may also disclose or release to any person statistical information on the number and type of adult or child abuse, neglect or exploitation complaints statewide or in a certain geographic area, including statistical information on the disposition of the complaints.

(15) In the food stamp program, the Department may release or disclose information to federal, state or local law enforcement personnel investigating violations of the federal or state law relating to the unlawful use, transfer, acquisition, alteration, possession, presentation or receipt of food stamp payments, benefits, coupons or Authorization cards. The information may be disclosed or released only upon a written request that contains (1) the name of the requester, (2) the requester's position and Authority, (3) crime being investigated, (4) the name of the person on whom information is requested, and (5) the information being requested. However, information received through the Income Eligibility Verification System (IEVS) must be protected and may not be released or disclosed, except as permitted by the agreement with the IEVS provider.

(16) The Department shall disclose and release Department statistical information, records, or copies thereof,



to any persons or entity involved in bona fide research approved by the Commissioner.

(17) In the Food Stamp Program, the department shall upon request provide to any Federal, State or local law enforcement officer the address, social security number, and (if available) photograph of a food stamp recipient if the officer furnishes the recipient's name and notifies the agency (a) that the individual is fleeing to avoid prosecution, custody or confinement for a felony, is violating a condition of probation or parole under State or Federal law or has information that is necessary for the officer to conduct an official duty related to a felony/parole violation and (b) that locating or apprehending the individual is an official duty and the request is being made in the proper exercise of an official duty. The information may be disclosed or released only upon a oral or written request that contains (1) the name of the requester, (2) the requester's position and Authority, (3) crime being investigated, (4) the name of the person on whom information is requested, and (5) the information being requested.

(a) Information obtained from the Child Abuse and Neglect Central Registry on indicated reports of suspected physical, sexual, or emotional abuse, and information obtained by clients regarding domestic violence or abuse, and domestic violence or abuse information obtained from other sources, such as the protecting order registry maintained by the Administrative Office of Courts, may be released to federal and state agencies for the purposes of protection from domestic violence or abuse. "Domestic violence or abuse" is defined as, "Physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in non-consensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; neglect or deprivation of medical care; battery; or extreme cruelty."

**Author:** Melody Armstrong

**Statutory Authority:** 7 U.S.C. §2020; 42 U.S.C. §§602, 671(a)(8), 1392a; 7 C.F.R. 272.1(c); 42 C.F.R. §431.306; 45 C.F.R. §205.50(a)(1)(i), §303.105; Code of Ala. 1975, §§13A-9-91, 26-14-8, 38-2-6, 38-7-13, 38-9-6, 41-22-4.

**History:** Effective March 22, 1985; amendment effective June 10, 1985. Succeedent amendment effective September 9, 1985. Succeedent emergency amendment effective February 5, 1986. Succeedent permanent amendment effective May 28, 1986. Succeedent permanent amendment effective January 12, 1987. Succeedent permanent amendment effective April 11, 1988. Succeedent permanent amendment effective December 10, 1991. Succeedent permanent amendment effective March 11, 1996. Succeedent

emergency amendment effective September 19, 1996. **Amended:** Filed February 5, 1996; effective March 11, 1996. Succeedent permanent amendment effective January 9, 1997. **Amended:** Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed February 18, 1999; effective March 25, 1999. **Amended:** Filed January 5, 2004; effective February 9, 2004. **Amended:** Filed March 7, 2007; effective April 11, 2007. **Amended:** Filed August 6, 2009; effective September 9, 2009. Proposed succeedent permanent amendment filed October 16, 2020.