

**Tri-County Community Council, Inc.**  
**Head Start/Early Head Start**

**Part:** 1303 Financial and Administrative Requirements

**Subpart:** C- Protections for the Privacy of Child Records

**Sections:** 1303.20 Establishing Procedures  
1303.21 Program Procedures-applicable confidentiality provisions  
1303.22 Disclosures with, and without, parental consent

**Subject:** Protect the Personally Identifiable Information of Head Start/Early Head Start children

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**Policy:**

Tri-County Head Start/Early Head Start will establish the following procedures to protect the privacy of Personally Identifiable Information (PII) of all children within our control.

**Procedure:**

1. When a child is referred and/or receiving services under IDEA, Tri-County will comply with the confidentiality requirements that are in Part B and/or Part C of IDEA.
2. No information will be disclosed concerning a child's record without written consent from the parent/legal guardian. Written consent will include the following information – what child information will be disclosed, explanation of why information is being disclosed, and to whom the information may be disclosed to.
3. All written consent will be signed and dated. Staff will explain in detail to the parent/legal guardian that the consent is voluntary and can be revoked at any time. The revoking of the consent does not apply to any action that occurred prior to the consent being revoked.
4. There will be no electronic signatures accepted.
5. Prior to our program releasing any PII to an official at a program, school, or school district the child is seeking or intending to enroll, or a child is already enrolled in, the parent/legal guardian will receive notice and be provided the opportunity to refuse the release of the PII. The disclosure has to be related to a child's enrollment or transfer.
6. There are limited exceptions to disclosing PII without parental consent. The exceptions follow:
  - An official, acting for the program in place of an employee, deems it necessary for Head Start services and the program maintains the proper oversight being respectful to the use, further disclosure and maintenance of child records such as a written agreement.

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- The program deems it necessary to protect the health and/or safety of children or other persons.
- Comply with a judicial order or a lawfully issued subpoena making an effort to notify the parent/legal guardian unless the subpoena and its contents cannot be disclosed, or disclosure is in compliance with an ex parte court order by the United States Attorney General concerning investigation or prosecutions of an offense listed in 18 U.S.C. 2332b (g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
- The parent/legal guardian is a party to a court proceeding directly involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters and the order issued in context of that proceeding, disclosure to the parent is not required; or, the program initiates legal action against a parent/legal guardian or a parent/legal guardian initiates legal action against the program, the program can disclose to the court the child's record relevant for the program to act as plaintiff or defendant.
- The Secretary of Agriculture or an authorized representative from the Food and Nutrition Service to conduct a program monitoring, evaluations, and performance measurements for the Child and Adult Care Food Program under the Richard B. Russell National School Lunch Act or Child Nutrition Act of 1966, the results can be reported in an aggregate form that does not identify any child: the data collected must be protected from any personal identification of the children and their parent/legal guardian other than an authorized representatives of the Secretary of Agriculture and when the information is no longer needed it must be destroyed.
- When a foster child has been placed in the program the caseworker or other representative from a state or local welfare agency, who has the right to access the child's case plan and is legally responsible for the child's care and protection, under state law our agency will agree in writing to protect the PII and use the information from the child's case plan to address the child's needs, and to destroy information that is no longer needed for those purposes.
- Needed information on a child will be reported to appropriate parties in order to address suspected or known child maltreatment that is applicable to federal, state, and local laws on reporting child abuse and neglect.

7. All written agreements and contracts will be reviewed annually. If the party of the written agreement violates the agreement concerning PII of any child, they will be given the opportunity to self-correct depending on the violation and/or the third party will not have access to any records for a time that is set by the policy council and board of directors.

8. The procedures to protect the PII will be shared with parent/legal guardians annually and as needed concerning their rights. The parent will be notified if a disclosure is needed listing what child information will be disclosed, explanation why information is being disclosed, and to whom the information may be disclosed to.

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9. The parent/legal guardian will receive this policy for the various reasons a disclosure can be provided without a parent/legal guardian's consent.

10. A program will limit disclosure information that is deemed necessary.

11. The following information is considered PII and is not to be shared without written consent from the parent/legal guardian unless limited exception listed in #6 of this policy is required.

- Social security number
- Financial information
- Child education records
- Health information
- Date of birth
- Race

12. The information in all children's family files is stored in the Center Director or family service advocate's office in a locked file cabinet and education information on the children is stored in the child's classroom in a locked file cabinet. Tri-County uses the Child Plus web-based program to store all electronic information on the children and their families. Tri-County uses Teaching Strategies Gold (TSG) for the children's assessment information. Child Plus and TSG are password protected.