

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.2-102 of the Code of Virginia, relating to the Department of Social*  
 3 *Services; requests for records or information concerning applicants for and recipients of public*  
 4 *assistance; public notice required.*

5 [H 879]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 63.2-102 of the Code of Virginia is amended and reenacted as follows:**9 **§ 63.2-102. Allowing access to records and information for public assistance programs and child**  
 10 **support enforcement; penalty.**

11 A. All records, information and statistical registries of the Department and local boards and other  
 12 information that pertain to public assistance and child support enforcement provided to or on behalf of any  
 13 individual shall be confidential and shall not be disclosed except to persons specified hereinafter and to the  
 14 extent permitted by state and federal law and regulation. The local boards shall allow the Commissioner, at  
 15 all times, to have access to the records of the local boards relating to the appropriation, expenditure and  
 16 distribution of funds for, and other matters concerning, public assistance under this title.

17 Except as provided by state and federal law and regulation, no record, information or statistical registries  
 18 concerning applicants for and recipients of public assistance and child support shall be made available except  
 19 for purposes directly connected with the administration of such programs. Such purposes include establishing  
 20 eligibility, determining the amount of the public assistance and child support, and providing social services  
 21 for applicants and recipients. It shall be unlawful for any person to disclose, directly or indirectly, any such  
 22 confidential information, and any person violating these provisions shall be guilty of a Class 1 misdemeanor.

23 B. If a request for a record or information concerning applicants for and recipients of public assistance or  
 24 child support is made to the Department or a local department for a purpose not directly connected to the  
 25 administration of such programs, the Commissioner or local director shall not provide the record or  
 26 information unless permitted by state or federal law or regulation.

27 C. *If a request for a record or information, including personally identifiable information, concerning 25*  
 28 *or more applicants for or recipients of public assistance or child support is made to the Department or a*  
 29 *local department for a purpose not directly connected to the administration of such programs and the*  
 30 *Commissioner determines that he must share the information under state or federal law, the Commissioner*  
 31 *shall make a public notice available on the Department's website within 10 days of receiving the request. If a*  
 32 *local department receives a request for a record or information, including personally identifiable*  
 33 *information, concerning 25 or more applicants for or recipients of public assistance or child support, the*  
 34 *local director shall forward such request to the Commissioner to evaluate whether compliance with such*  
 35 *request is necessary and, if appropriate, issue a public notice in accordance with this section. Such notice*  
 36 *shall include:*

- 37 1. *That the Department or local department received a request for information;*
- 38 2. *The type of record or information requested;*
- 39 3. *When the Department or local department received the request;*
- 40 4. *The identity of the requestor or requesting entity and the stated purpose for the request;*
- 41 5. *The public assistance program for which the requestor requested information;*
- 42 6. *Whether the Department or local department intends to comply with the request and, if applicable, the*  
 43 *date by which such compliance will occur; and*
- 44 7. *Contact information for a representative of the Department or local department who shall respond to*  
 45 *questions or concerns.*

46 *The public notice required by this subsection shall not include personally identifiable information for any*  
 47 *applicant for or recipient of social services. The Commissioner or local director shall make such notice*  
 48 *available regardless of whether information requested has previously been provided to the requesting entity*  
 49 *or any other entity and regardless of whether the applicant or recipient previously consented to the sharing*  
 50 *of their information. Requests for information requiring public notice pursuant to this subsection include*  
 51 *requests from any federal agency, other state government, law-enforcement agency, or other agency whose*  
 52 *principal obligation does not include providing public assistance to individuals and families in the*  
 53 *Commonwealth, except where such requests are permitted pursuant to subsection A. Public notice pursuant*  
 54 *to this subsection shall be required even when a request is made in compliance with state and federal law and*  
 55 *regulation.*