



**Court Services and Offender Supervision Agency
for the District of Columbia**

*Community Supervision Services
Office of the Associate Director*

Memorandum

TO: Addressees

Date: September 27, 2003

FROM: Thomas H. Williams (*signed*)
Associate Director, CSS

**SUBJECT: FOIA Request/Privacy Act
RE: Guidance**

This memorandum is presented as a reminder to all staff concerning the need to obtain consent from offenders to release sensitive information concerning them to individuals involved in their treatment and/or supervision. Specifically, I understand that some staff have been asking offenders to sign consent forms that do not identify the recipient of information, and that they only fill in that information later after the offender has signed the form.

All the confidentiality statutes and regulations which govern our disclosures require that the identity of the subject, the recipient, the scope and purpose of the information disclosure, and the period during which the consent will remain valid all be specified in the form. If you ask an offender to sign a partially blank form, s/he has no reasonable way of knowing what s/he is consenting to. Having an offender sign such a consent form fails to satisfy the requirement that the consent be informed. Staff are to destroy all consent forms that contain the offender's signature and the recipient of the information is not included on the form.

While we recognize the difficulties that may sometimes be involved in obtaining consent at points throughout the supervision process, we must stress the need to fully complete all disclosure consent forms before asking an offender to sign them. Please remember that employees may be sued in their personal capacities by individuals who believe that their private information was improperly disclosed.

CSOSA's Offices of Information Technology and the General Counsel will soon be jointly conducting mandatory Agency-wide training which will provide an opportunity to review again with CSS staff the requirements of the various confidentiality laws. In the meantime, we consider it important to ensure complete compliance with the letter and the spirit of those laws. If you have any specific questions about these matters, please contact OGC at 220-5355.

cc: CSS Staff

Information Copy: Mr. George Pruden, OGC
Mr. Laurence Wolfe, IT