

May 14, 2025

D-2025-Case Management-007

TO: REGIONAL CENTER BOARD PRESIDENTS
REGIONAL CENTER EXECUTIVE DIRECTORS
ALL SERVICE PROVIDERS

SUBJECT: ACCESS TO CLIENT INFORMATION

In accordance with Welfare and Institutions Code Section 4639.6 and federal and state privacy laws, this directive is issued to protect the welfare and privacy rights of individuals served and their families (collectively, “clients”) when regional centers and service providers are approached by a person or an entity (collectively, “party”) seeking access to records or requesting information regarding clients, or access to a physical location (collectively, “access”) who is not otherwise authorized by law to have such access. *Regional centers and service providers are required to implement this directive at all times and at private facilities or public locations, including while providing services to clients. They also are required to make their employees aware of the legal requirements and procedures outlined in this letter.*

Regional centers and service providers are legally required to protect the information of all clients who receive services. Information may be shared only when written authorization is obtained from the clients or their authorized or legal representative(s), a federal or state law requires that information to be disclosed, or under the limited circumstances listed in the Department’s Notice of Privacy Practices: [DS-5310 Consumer Notice of Privacy Practices 20230905.docx](#). Regional centers and service providers may review information about privacy rights and the laws in the [Privacy Protections Fact Sheet](#) and the [Privacy Bulletin](#) shared in the Department’s [newsletter](#).

Prior to granting access, regional centers and service providers first must ask the requesting party for their name, agency or organization, identification (e.g., badge number or business card), purpose of the request for access, and any document or information the requesting party claims entitles them to access. Regional centers and service providers must obtain legal review before granting access in response to any non-routine requests. If a service provider does not have access to legal counsel, management of the service provider must review the request for access before granting access.

This directive may be provided to a requesting party seeking access, if explanation is helpful or to rebut an objection. If the requesting party does not have valid permission for access, an employee of a regional center or service provider should simply state: “I am not authorized to provide that information” or “I am not authorized to grant you entry to the premises without a warrant or court order, or to answer any questions,” as appropriate to the situation.

If it is determined that the requesting party may have lawful access, the regional center or service provider should advise its employees as to the timing and kind of access that may be provided. For onsite access, regional centers and service providers must supervise and escort the requesting party in nonpublic areas at all times. A regional center or service provider should not interfere with a law enforcement agency's access to records or information when it is executing a valid search warrant.

If a party accesses records or information in a manner that the regional center or service provider believes to be unlawful or unauthorized, the regional center or service provider should contact legal counsel immediately and document the incident, including but not limited to: the identity of the person(s), how many people entered, what area(s) and/or information they accessed, whom they asked about and/or spoke with, and how long they were present. After the incident, the regional center or service provider must provide the Department with this information at iso@dds.ca.gov as identifying it as a possible security breach and follow the regional center's or service provider's own reporting procedures.

Generally, individuals have a right to refuse answering questions. Law enforcement that wishes to stop, search, or ask questions of a member of the public ordinarily must have legal cause to do so. Regional centers and service providers should not interfere if a party seeking access attempts to talk to visitors in public spaces. Please note that purposefully helping a person evade law enforcement can result in criminal charges against the person helping. The information in this directive does not replace the advice provided by a regional center or service provider's legal counsel under the particular circumstances.

Additional information about access and control of information may be found on the California Attorney General's website at: [Promoting Safe and Secure Healthcare Access for All - Guidance and Model Policies to Assist California's Healthcare Facilities in Responding to Immigration Issues](#).

Sincerely,

Original Signed by:

PETE CERVINKA
Director

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies
State Council on Developmental Disabilities
Michi Gates, Department of Developmental Services
Carla Castañeda, Department of Developmental Services
Yang Lee, Department of Developmental Services
Aaron Christian, Department of Developmental Services