

RES. 65, 04-05

DANE COUNTY PRIVACY POLICY CONCERNING ACCESS TO COUNTY SERVICES

WHEREAS, it is the policy of Dane County to promote the utilization of its services by all of its residents who are entitled to and in need of them; and

WHEREAS, individuals should know that they may seek and obtain the assistance of county agencies regardless of personal or private attributes, without negative consequences to their personal lives; and

WHEREAS, the obtaining of pertinent information, which is essential to the performance of a wide variety of governmental functions, may in some cases be difficult or impossible if some expectation of confidentiality is not preserved, and preserving confidentiality in turn requires that governments regulate the use of such information by their employees; and

WHEREAS, in furtherance of this policy, confidential information in the possession of county agencies relating to immigration status or other personal or private attributes should be disclosed only as provided herein;

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby approves the following privacy policy regarding individuals seeking access to county services:

Section 1. As used herein, "confidential information" means any information obtained and maintained by a county department or agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

Section 2. No county officer or employee shall disclose confidential information, unless

- (a) such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (b) such disclosure is required by law; or
- (c) such disclosure is to another county officer or employee and is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (d) in the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (e) in the case of information relating to immigration status, (i) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in criminal activity other than mere status as an undocumented alien or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in criminal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in furtherance of an investigation of potential terrorist activity.

County departments and agencies shall promulgate such rules as may be appropriate to detail circumstances in which confidential information may or may not be disclosed pursuant to this policy. Any county officer or employee with a question relating to the disclosure of confidential information under this section shall consult with the Corporation Counsel.

Section 3. Information regarding immigration status.

- (a) A county officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless:
 - (1) Such person's immigration status is necessary for determination of program, service or benefit eligibility or the provision of county services; or
 - (2) Such officer or employee is required by law to inquire about such person's immigration status.
- (b) Law Enforcement Officers.
 - (1) For purposes of this subsection, "criminal activity" means unlawful activity other than status as an undocumented alien.
 - (2) Law enforcement officers shall not inquire about a person's immigration status unless investigating criminal activity other than mere status as an undocumented alien.
 - (3) Law enforcement officers shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.
 - (4) Law enforcement officers and other employees shall not inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.

The following registrations were received:

Lisa Subeck, Madison, spoke in support.
 Sharyl Kato, Monona, registered in opposition.
 Thomas Kozlowsky, Madison, registered in support.
 Kristin Hoffschmidt, Madison, registered in support.
 Beth Harpel, Madison, registered in support.

Bill Keys, Madison, registered in support.
Linda Keys, Madison, registered in support.
Michael Jacob, Madison, registered in support.
Luciano, Madison, registered in support.
Brenda K. Konkel, Madison, registered in support.
Megin Hicks, Madison, registered in support.
Thomas E. Moran, Madison, (no position stated)
Alfonso Zepeda-Capistran, Cottage Grove, representing LUCHA, spoke in support.
Salvador Carranza, Madison, spoke in support.
Caroline Werner, Oregon, spoke in support.
Cynthia Travis, Madison, registered in support.

Moved by Supervisor McDonell, seconded by Supervisor Olsen, to amend Res. 65 as follows:

1. At the end of Section 2, add "other than law enforcement officers" after "Any county officer or employee."
 2. In the first paragraph, delete "of its residents."
- Motion carried.

The question before the Board was adoption of Res. 65 as amended. Motion carried.