



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-910
Regulation title	General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement and Social Services Records
Document preparation date	October 19, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the *Code of Virginia* gives the State Board of Social Services the responsibility to make rules and regulations to carry out the purposes of social services programs. Sections §§ 63.2-102 through 63.2-105 pertain to confidentiality of public assistance and social services records and information.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered. This regulation was promulgated in response to §§ 63.2-102 through 63.2-105, which specify that, except as provided by state and federal law and regulation, no records, information or statistical registries concerning applicants for and recipients of public assistance shall be made available except for purposes directly connected with the administration of the public assistance program.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The notice of periodic review was published on August 15, 200, with public comment ending September 5, 2011. No comments were received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set forth in Executive Order 14 (2010) and protects public health, safety and welfare. The regulation is clear and concise and written in a manner that is easy to understand.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services recommends that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation is straight-forward and not complex. It does not overlap, duplicate or conflict with federal or state law or regulation. It was last evaluated in 2010 in the form of a periodic review; technology and economic factors have had no impact on general provisions for maintaining and disclosing confidential information. This regulation has no impact on small businesses, economic or otherwise.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on the institution of the family and family stability. The regulation ensures that confidential information is protected and released only according to federal and state laws and regulations. The regulation supports the privacy expectations of Virginians by strengthening the

protection of confidential information in public assistance, child support enforcement, and social services records by compiling confidentiality provisions in one comprehensive regulation.