

## **IC 11-8-5**

### **Chapter 5. Confidential Records**

#### **IC 11-8-5-1**

##### **"Personal information" defined**

Sec. 1. As used in this chapter, "personal information" has the meaning set out in IC 4-1-6-1. As added by Acts 1979, P.L.120, SEC.1.

#### **IC 11-8-5-2**

##### **Classification; denial of access; disclosure to certain parties**

Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

(1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.

(2) Information relating to a pending investigation of alleged criminal activity or other misconduct.

(3) Information which, if disclosed, might result in physical harm to that person or other persons.

(4) Sources of information obtained only upon a promise of confidentiality.

(5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

(1) upon the order of a court;

(2) to employees of the department who need the information in the performance of their lawful duties;

(3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;

(4) to the governor or the governor's designee;

(5) for research purposes in accord with IC 4-1-6-8.6(b);

(6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5;

(7) to a person who is or may be the victim of inmate fraud (IC 35-43-5-20) if the commissioner determines that the interest in disclosure overrides the interest to be served by nondisclosure; or

(8) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the

following:

(1) A provider of sex offender management, treatment, or programming.

(2) A provider of mental health services.

(3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

*As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.292-2001, SEC.4; P.L.140-2006, SEC.12 and P.L.173-2006, SEC.12; P.L.81-2008, SEC.1.*

#### **IC 11-8-5-3**

##### **Parties not authorized to be agents**

Sec. 3. A committed person or a person receiving correctional services from the department may not be an authorized agent for purposes of IC 4-1-6-3.

*As added by Acts 1979, P.L.120, SEC.1.*

**IC 11-8-5-4****Access controls to be established**

Sec. 4. The department shall, consistent with IC 4-1-6 and this chapter, establish, under IC 4-22-2, access controls for all categories of personal information maintained by that agency. As added by Acts 1979, P.L.120, SEC.1.

**IC 11-8-5-5 Repealed**

**(Repealed by P.L.19-1983, SEC.12.)**