

**Office of Recovery Services Information System (ORSIS)
Access and Security Agreement:**

Employee Name

EIN

Address of ORS office employee is assigned

Team / Work Group (e.g., Team 35,
Administration, AGO, DTS, etc.)

Security requirements governing access to and use of restricted information and other ORSIS information

I understand that access, use, and disclosure of some Office of Recovery Services Information System (ORSIS) records are "**restricted**" because the information is governed pursuant to a State statute other than the Utah Government Records Access and Management Act (GRAMA), or is governed by a federal statute or federal regulation or because access is governed or restricted as a condition of participation in a State or Federal program or for receiving Federal funds. I further understand that restricted information is outside GRAMA classification and access procedures, and that access, use, and disclosure of restricted information is governed by the specific provisions of the applicable statute, rule or regulation, as referenced in the sections below.

Restricted Information from Federal Parent Locator Service (FPLS) and National Directory of New Hires (NDNH):

Federal Parent Locator Service (FPLS) information is **restricted** because its release is limited by federal law found at **42 USC 653(b)(1)**. Parent address information from the FPLS may appear on the 204 Address Detail screen. A **code of "FPLS"** in the **SOURCE field** on the **204 screen** identifies information derived from the FPLS. In accordance with **CFR 303.70(d)**, FPLS derived information **may only be used for purposes specified in 453(a)(2) of the Social Security Act**, to establish paternity, establish, modify, or enforce a child support order, or to determine who has or may have parental rights with respect to a child, or in accordance with section 453(a)(3) of the Act for enforcing a state law with respect to the unlawful taking or restraint of a child, or for making or enforcing a child custody or visitation determination as defined in section 463(d)(1) of the Act.

National Directory of New Hire (NDNH) information is **restricted** because its release is limited by federal law found at **42 USC 653(l)**. A parent's home or residential address derived from the NDNH may appear on the 204 Address Detail Screen. Employer information derived from the NDNH may appear on the 207 Employment Information Screen. Access to information on the **207 screen** is controlled by screen-based security. A **code of "NDNH"** in the **SOURCE field** on the **204 and 207 screens** identifies information derived from the NDNH.

I understand that an administrative penalty may be imposed (up to and including dismissal from employment) and a fine of \$1,000 for each act of unauthorized access to, disclosure of, or use of, information in the NDNH by any officer or employee of the United States or any other person who knowingly and willfully violates this paragraph.

I understand that only specific individuals are authorized to request, access, view, or use federally restricted information that is derived from the FPLS and/or the NDNH, and then only for the limited purposes specified herein as follows:

1. **ORS "IV-D"** Child Support Services (CSS), Foster Care (FC), or Youth Corrections (YC) workers - to establish paternity, establish, modify, or enforce a child support order - access by ORSIS screens 204, 207, 216, 228, 229, 230, 235, 236, 238, 239.
2. **ORS Medicaid** cost-avoidance and third party liability workers, employees of the Department of Health, the Department of Human Services, and the Department of Workforce Services, **who are designated to act on behalf of the Medicaid agency**, who, in accordance with **CFR 303.30**, determine the identity, location, and employment of a non-custodial parent (NCP), and whether the NCP has a health insurance policy, and if so, the policy name(s), number(s), and name(s) of persons covered, along with the name and Social Security Number (SSN) of the NCP, and name and SSN of the child(ren). This information is provided **"to the Medicaid agency"** for the purpose of determining whether applicants or recipients of Medicaid are covered by private health insurance, so appropriate cost-avoidance and/or cost-recovery actions may be taken in relation to private health insurance companies. In addition, the information may affect eligibility for **CHIP**.
3. Agents or attorneys of the State, or agents of the court who have the duty under State law to make or enforce child custody or visitation determinations - by written request to the Child Support Services/State Parent Locate Service (CSS/SPLS). (Note: private attorneys are not authorized individuals).

4. Agents or attorneys of the U.S. or of the State who have the duty or authority to investigate, enforce, or bring a prosecution with respect to parental kidnapping - by written request to the CSS/SPLS.
5. Non-custodial parents who obtain a court order authorizing the CSS/SPLS to access the FPLS and NDNH on his/her behalf to determine the location and/or employer of a custodial parent and child, in order to make or enforce a custody or visitation judgment, decree or other order of the court - by written order of the court.

Restricted Information from Financial Institutions Data Matching (FIDM) - (Access and Use Restricted to ORS "IV-D" CSS, FC & YC Workers Only):

Information received from a financial institution through a data matching process that describes the obligor's or the obligee's finances, assets or liabilities is **restricted** because its release is limited by a federally required State law found at **UCA 62A-11-304.5**. A code of "FINI" in the **SOURCE** field on the **204 and 207 screens** identifies FIDM information. Access to information on the **207 screen** is controlled by screen-based security. If I am an **ORS IV-D Child Support Services, Foster Care or Youth Corrections** worker, I am authorized to access and use information in ORSIS derived from FIDM **for the purpose of establishing paternity, or establishing, modifying, or enforcing a child support order, and for no other purpose**. If a case participant has requested that the participant's information be **safeguarded**, it may not be released unless **ordered by the court**. **If an obligor's address is received through a FIDM match, it can be used by the individuals and for the purposes described on page 1.**

If I am not an ORS IV-D Child Support Services, Foster Care, or Youth Corrections worker, I understand that I am *not authorized* to access or use information in ORSIS that has been derived from FIDM for any purpose under any circumstances.

Restricted Information from Internal Revenue Service (IRS) - (Access and Use Restricted to ORS "IV-D" CSS, FC & YC Workers Only):

Information received or derived from the IRS is **restricted** because its release is limited by section **6103 of the Internal Revenue Code**. If I am an **ORS IV-D Child Support Services, Foster Care, or Youth Corrections** worker, I am authorized to access and use information in ORSIS derived from the IRS for the purpose of establishing paternity, or establishing, modifying, or enforcing a child support order, **and for no other purpose**. In addition, I have received either as a new employee or as part of an annual mandatory review a copy of this code and other sections, including **7213(a), 7213A and 7431**, pertaining both to non-disclosure and not accessing taxpayer data. I have also viewed the IRS training or received a copy of the security guidelines regarding this information.

If I am not an ORS IV-D Child Support Services, Foster Care or Youth Corrections worker, I understand that I am *not authorized* to access or use information in ORSIS that has been derived from the IRS for any purpose under any circumstances. This includes **NOT** accessing the 475 Account Display screen and the narrative screens at the HLCI level, and only at the case level if needed for ORS Non-IV-D cases.

IRS Code (26 USC, Sections 7213, 7213A, and 7431):

I agree that if I am authorized to have access to IRS information, I will adhere to the restrictions on unauthorized disclosure or inspection of return information as required by the following sections of IRS Code:

Sec. 7213. - Unauthorized disclosure of information

"(a) Returns and return information

- (1) Federal employees and other persons. . .
- (2) State and other employees

It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in section 6103(b)) acquired by him or another person under subsection (d), (i)(3)(B)(i) or (7)(A)(ii), (l)(6), (7), (8), (9), (10), (12), (15), or (16) or (m)(2), (4), (5), (6), or (7) of section 6103. **Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.**" (emphasis added)

Sec. 7213A. - Unauthorized inspection of returns or return information

"(a) Prohibitions . . .

- (2) State and other employees

It shall be unlawful for any person (not described in paragraph (1)) willfully to inspect, except as authorized in this title, any return or return information acquired by such person or another person under a provision of section 6103 referred to in section 7213(a)(2).

(b) Penalty

- (1) In general

Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding \$1,000, or imprisonment of not more than 1 year, or both, together with the costs of prosecution." (emphasis added)

Sec. 7431. - Civil damages for unauthorized inspection or disclosure of returns and return information

"(a) In general . . .

(2) Inspection or disclosure by a person who is not an employee of United States
If any person who is not an officer or employee of the United States knowingly, or by reason of negligence, inspects or discloses any return or return information with respect to a taxpayer in violation of any provision of section 6103, such taxpayer may bring a civil action for damages against such person in a district court of the United States.

(b) Exceptions

No liability shall arise under this section with respect to any inspection or disclosure -

- (1) which results from a good faith, but erroneous, interpretation of section 6103, or
- (2) which is requested by the taxpayer.

(c) Damages

In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the sum of -

- (1) the greater of -
 - (A) \$1,000 for each act of unauthorized inspection or disclosure of a return or return information with respect to which such defendant is found liable, or
 - (B) the sum of -
 - (i) the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus
 - (ii) in the case of a willful inspection or disclosure or an inspection or disclosure which is the result of gross negligence, punitive damages, plus
- (2) the costs of the action, plus
- (3) in the case of a plaintiff which is described in section 7430(c)(4)(A)(ii), reasonable attorneys fees, except that if the defendant is the United States, reasonable attorneys fees may be awarded only if the plaintiff is the prevailing party (as determined under section 7430(c)(4))."

Compliance Agreement and Understanding Concerning Federally Restricted Information in ORSIS (FPLS, NDNH, FIDM, & IRS). This agreement must be completed and signed before being given ORSIS access:

- I understand that independently verifying restricted information does not change the character of the information and that it is still restricted and governed by the specific provisions of the applicable statute, rule or regulation as referenced above.
- I understand that any misuse of restricted information may result in termination of access to said information, termination of employment and prosecution.
- I understand and agree to comply with the security requirements and procedures pertaining to all federally "restricted information" as described above.
- I acknowledge and agree that I have followed all instructions regarding the office's Annual Security Review (ASR) training, and I have completed all sections of the training as required.

Name (print)

EIN

Signature

Signature Date

Witness Signature

Witness Signature Date

Supervisor Name (print)

Date reviewed with Supervisor, if applicable
(for example at annual performance evaluation)

- Distribution:
- 1. Send original form to SL Administration via state mail (mark envelope: Do Not Image).
 - 2. Employee/contractor retains copy of form which provides IRS Code, Sections 7213, 7213A, and 7431.