

Procedures for Providing Reasonable Accommodation for Individuals with Disabilities**CHAPTER 5 . CONFIDENTIALITY REQUIREMENTS****5-1. REQUIREMENTS****A. Rehabilitation Act**

The Rehabilitation Act requires that all medical information be kept **confidential**. This means that all medical information that any agency obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. It also means that any employee who obtains or receives such information is strictly bound by these confidentiality requirements. Supervisors and managers are responsible for the safekeeping and confidentiality of all documents, medical or otherwise, obtained during the processing of reasonable accommodation requests.

B. Sharing Information

— If the employee or applicant for employment is uncomfortable about sharing sensitive information about his/her medical condition with his/her supervisors, it is permissible for the individual to provide the medical information directly to the Disability Program Manager for review. The Disability Program Manager is then responsible for explaining to the reasonable accommodation decision maker that the individual has a disability rather than sharing all of the details about the medical condition.

C. Responsibilities of DPM

— The Disability Program Manager shall maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act and the requirements of 29 C.F.R. Section 1611.

D. Disclosure of Medical Information

1. Medical information may be disclosed only as follows:

- supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s);
- first aid and safety personnel may be informed if the disability might require emergency treatment;
- government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act;
- the information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers; and
- the Office of Departmental EEO officials may be given the information to maintain records and evaluate and report HUD's performance in processing reasonable accommodation requests.
- designated HUD Officials in the development of its Emergency Evacuation Procedures for Department Employees. In some circumstances, an employee with disabilities, may require special assistance in an emergency evacuation situation and in some situations, the release of medical information or other supporting documentation may be necessary to develop an appropriate Emergency Evacuation Procedure for the employee.

2. Whenever medical information is disclosed to any of the above officials, the individual disclosing the information must inform the requestor of the confidentiality requirements covering the information.

3. Any disclosure of medical information not identified as a permissible exceptions (see above) must be documented and the employee informed of the release prior to its disclosure, unless the disclosure of such medical information is in support of a pending reasonable accommodation request.