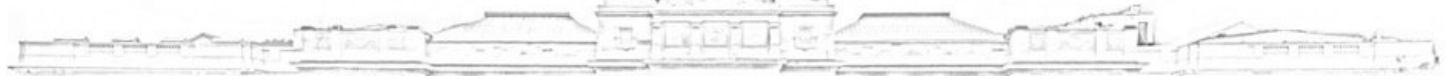




ADMINISTRATIVE RULES OF MONTANA



24.8.210 CONFIDENTIALITY AND RELEASE OF INFORMATION

- (1) There is a compelling state interest in the elimination of illegal discrimination in Montana pursuant to Art. II, sec. 4 of the Montana Constitution (1972). In some cases, the interest of a person in viewing material related to a complaint or gathered as part of the investigation will compete with individual privacy interests. In order to balance these interests, the Human Rights Bureau will take the following steps upon receiving a request for information:
 - (a) When a person requests information or materials for which an individual right of privacy has been asserted or might be asserted, the Human Rights Bureau will contact the parties and provide them an opportunity to object to the release of this information.
 - (b) If there is an objection to the release of information, the Human Rights Bureau will promptly advise the requestor that the requestor may file a written request for review of the objection to release.
 - (c) Upon receipt of a written request for review, the Human Rights Bureau shall immediately refer the request to the Office of Administrative Hearings, and the Office of Administrative Hearings will promptly provide the parties an opportunity to be heard.
 - (i) A party that has provided information to the department about a nonparty may assert a privacy interest on behalf of a nonparty.
 - (ii) The Human Rights Bureau may assert an interest in delaying the release of information until the completion of its informal investigation if the release of information would threaten the integrity of a pending investigation.
- (2) The department may restrict disclosure of information regarding complaints alleging violations of federal law which are within the jurisdiction of the department because of work sharing arrangements with federal agencies, pursuant to provisions of federal law.
- (3) All voluntary resolution agreements are public information except to the extent that they relate to privacy interests protected by law. A governmental entity does not have a privacy interest in any settlement or conciliation agreement.
- (4) A hearing officer's decision regarding the release of information is considered the final agency decision for the purpose of judicial review pursuant to the Montana Administrative Procedure Act.

Authorizing statute(s): 49-2-204, 49-3-106, MCA

Implementing statute(s): 2-4-702, 49-2-501, 49-2-504, 49-2-505, 49-2-506, 49-2-510, 49-3-315, MCA



ADMINISTRATIVE RULES OF MONTANA



History: NEW, 2002 MAR p. 2908, Eff. 10/18/02; AMD, 2008 MAR p. 2636, Eff. 12/25/08.