NEW YORK STATE | Office of Temporary and Disability Assistance

Office of Administrative Hearings (OAH) Procedures Transmittal

Transmittal:	20-01
Effective Date:	2/25/2020
Subject:	Redacting Decisions After Fair Hearing
Distribution:	Albany Office of Administrative Hearings Staff, New York City Office of Administrative Hearings Staff, Rest of State Hearing Officers, Rest of State Supervising Hearing Officers, New York City Hearing Officers, New York City Supervising Hearing Officers, Rest of State Social Service Districts, Managed Care and Long-Term Managed Care Organizations, Department of Health, New York City Agencies

This Transmittal seeks to clarify the process for redacting Protected Information contained in Decisions After Fair Hearing (DAFH). The following redaction procedures should be followed to ensure the confidentiality of clients' Protected Information, which includes data or information identifying an individual, particularly where such disclosure could result in an unwarranted invasion of personal privacy. If you are unsure whether information is Protected, it is best practice to err on the side of redaction.

Certain information, including the Case Number and Appellant's name, will automatically be redacted from the Caption section of the DAFH. Make sure the caption identifier icon "⌘" appears before the social service agency's appearance. The request date, fair hearing number, hearing date, center number, local social services district's name, agency representative's name, agency witness name, and decision date are not redacted. Using the Redaction Tools in the FHDMS Toolbar, Hearing Officers are responsible for redacting all other Protected Information, including, but not limited to:

- Addresses
- Names of household members
- Dates of birth
- Telephone numbers
- Social Security/benefit claim numbers
- Bank account numbers (including the last four digits)
- Payroll or financial information
- Identifying health information

    - Diagnoses or treatment need not necessarily be redacted so long as all personally identifying information (names and addresses of treatment provider, etc.) is redacted.
    - General terms such as “hospital’ and “doctor” do not need to be redacted. For example, the sentence “Appellant visited Dr. Smith at Mount Sinai hospital” would be redacted to read, “Appellant visited Dr. _____ at _____ hospital.”
    - Managed care/MLTC plan names generally do not need to be redacted, unless such identification would disclose the identity of the appellant/enrollee.
- Specific eligibility/benefit information
    - General terms such as Public Assistance, Medicaid, and SNAP do not need to be redacted.
- Anything else that might be sensitive or used to identify an individual.

As a matter of best practice, Hearing Officers should minimize the amount of Protected Information included in DAFHs. For example, family members can be referred to as “Appellant’s Spouse”, “Appellant’s Child”, etc.; bank accounts can be referred to as the “savings account” or “checking account” (if multiple accounts refer to as “savings account 1”, “savings account 2”, “checking account 1”, “checking account 2”, etc.); employers can be referred to as “Appellant’s current [or former] employer”; a single witness can be referred to as “Witness”, and multiple witnesses can be referred to by their relationship (e.g. “Appellant’s neighbor”).

Notwithstanding the foregoing, sometimes Protected Information must be viewable to parties to ensure their understanding of the DAFH. Using the Redaction Tools in the FHDMS Toolbar, highlight the relevant text and click the “Redact Selected Text” button. If done correctly, the highlighted text will become surrounded by red dashes and gray brackets. This information will be viewable in the DAFH sent to parties but redacted in the version available on the searchable database.

If you have any questions regarding this transmittal, you may contact your supervisor.

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Roy A. Esnard, Deputy Commissioner
Office of Administrative Hearings