**Section 330.220 Information to Be Made Available to the Public By the Department**

a) *The Department shall respect the confidentiality of a resident's record and shall not divulge or disclose the contents of a record in a manner which identifies a resident, except upon a resident's death to a relative or guardian, or under judicial proceedings.* Section 2-206 of the Act *shall not be construed to limit the right of a resident or a resident's representative to inspect or copy the resident's records.* (Section 2-206(a) of the Act)

b) *Confidential medical, social, personal or financial information identifying a resident shall not be available for public inspection in a manner which identifies a resident.* (Section 2-206(b) of the Act)

c) *The following information is subject to disclosure to the public from the Department or the Department of Healthcare and Family Services:*

1) *Information submitted under Sections 3-103 and 3-207* of the Act*, except information concerning the remuneration of personnel licensed, registered, or certified by the Department of* Financial and *Professional Regulation and monthly charges for an individual private resident;*

2) *Records of license and certification inspections, surveys, and evaluations of facilities, other reports of inspections, surveys, and evaluations of resident care, whether a facility has been designated a distressed facility, and the basis for the designation, and reports concerning a facility prepared pursuant to Titles XVIII and XIX of the Social Security Act* , *subject to the provisions of the Social Security Act* (42 USCA 301 et seq.);

3) *Cost and reimbursement reports submitted by a facility under Section 3-208* of the Act, *reports of audits of facilities, and other public records concerning the cost incurred by, revenues received by, and reimbursement of facilities; and*

4) *Complaints filed against a facility and complaint investigation reports, except that a complaint or complaint investigation report shall not be disclosed to a person other than the complainant or complainant's representative before it is disclosed to a facility under Section 3-702* of the Act*, and, further, except that a complainant or resident's name shall not be disclosed except under Section 3-702* of the Act*.* (Section 2-205 of the Act)

d) *The Department shall disclose information under this Section in accordance with provisions for inspection and copying of public records required by the Freedom of Information Act*. (Section 2-205 of the Act)

e) *However, the disclosure of information described in subsection* (c)*(1)* of this Section *shall not be restricted by any provision of the Freedom of Information Act.* (Section 2-205 of the Act)

f) Copies of reports available to the public may be obtained by making a written request to the Department in accordance with the Department's rules titled Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127). The Department may, at its discretion, waive reproduction fees if the party requesting the material is involved in legal action with the Department.

(Source: Amended at 35 Ill. Reg. 11513, effective June 29, 2011)