**Section 270.144 Confidentiality and Disclosure**

a) Ombudsman Program records are the property of the State Ombudsman. The Office shall have access to all Program records during the applicable retention period.

b) Program records containing resident and participant information are confidential.

c) *The Department*, in conjunction with the State Ombudsman, *shall establish procedures for the disclosure by the State Ombudsman of files maintained by the Program* (Section 4.04(g) of the Act)*.*

d) The files, records and other information maintained by the Ombudsman Program are considered information specifically prohibited from disclosure by 45 CFR 1324.11 and Section 7(1) of Illinois FOIA [5 ILCS 140]. Disclosure is only at the discretion of the State Ombudsman in accordance with this Subpart.

e) The Department, AAAs, and provider agencies do not have access to resident and participant records without the consent of the State Ombudsman.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)