

Notice of Privacy Practices



This notice describes how medical information about you may be used and disclosed, and how you can get access to this information. **PLEASE REVIEW IT CAREFULLY.**

How We Use and Share Your Information

If you have applied for or receive services or supports from the Department of Developmental Services (DDS), DDS has information about you. This includes information about your past, present or future health or condition, about providing health care to you, or about payment for health care. This is known as “Protected Health Information” or “PHI”. Under federal law, we are required to give you this Notice about DDS’ privacy practices that explains how, when, and why we may use or disclose your information. **We use and share your PHI in the following ways.**

To manage your health care and treatment

- We use and share your information to help manage the treatment, support and services you get.
- *Example:* your treatment team members may internally discuss your information in order to develop and carry out a plan for your services.
- *Example:* DDS may also disclose information about you to people or service providers outside DDS who may be involved in your health care, but only the minimum necessary amount of information will be used or disclosed to carry this out.

To operate DDS

- We use and share your information to operate (or “run”) DDS, including facilities, offices, developmental centers and all other Department programs.
- *Example:* we may use your information for quality improvement to review our treatment and services and to evaluate the performance of DDS and/or provider staff in caring for you. We may also disclose information to doctors, nurses, technicians, medical students and other personnel as listed above for review and learning purposes. It may also be necessary to obtain or exchange your information with other Massachusetts state agencies.

For payment related activities

- We use and share your information for payment-related activities.
- *Example:* DDS may release portions of your information to the Medicaid (or “MassHealth”) program, Social Security Office, staff at the Department, or to a private insurer.

When required by law and for specific government functions

- We share your information when required by law.
 - *Example:* DDS may disclose information when a law requires that we report information about suspected abuse, neglect or domestic violence, or relating to suspected criminal activity, or in response to a court order.
 - *Example:* DDS may disclose information to authorities that monitor compliance with these privacy requirements. We may also disclose information to government benefit programs relating to eligibility and enrollment, such as Medicaid, for workers’ compensation claims, and for national security reasons.
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For Public Health and Safety Activities

- DDS may disclose information when we are required to collect information about disease or injury, or to report vital statistics to a public health authority, reporting adverse medication reactions, product recalls, or preventing disease.

For Health Oversight Activities

- DDS may disclose information within the Department or to other agencies responsible for monitoring the health care system for such purposes as reporting or investigation of unusual incidents, and monitoring of the Medicaid program.

Relating to death

- DDS may disclose information related to a death to coroners, medical examiners, or funeral directors, and to organ procurement organizations relating to organ, eye, or tissue donations or transplants. Information may also be disclosed in relation to internal or external investigations.

For research

- In certain circumstances, and under the oversight of a research review committee, DDS may disclose PHI to approved researchers and their designees in order to assist research.

Responding to lawsuits and legal actions

- DDS may share information about you in response to a court or administrative order, or in response to a subpoena to the extent authorized by state law or federal law, including but not limited to G.L. c. 123B, § 17 (DDS Records Confidentiality); G.L. c. 66A, § 2 (Fair Information Practices Act); G.L. c. 111, §§ 70(f) (HIV testing) and 70(g) (genetic testing); G.L. c. 111B, § 11 (alcohol treatment); and G.L. c. 111E, § 18 (drug treatment).

To prevent threats to health or safety

- In order to avoid a serious threat to health or safety, DDS may disclose information as necessary to law enforcement or other persons who can reasonably prevent or lessen the threat of harm.

Your Rights

When it comes to your information, you have rights.

Get a copy of this privacy notice

- The current version of this notice will be available on our website.
- You can ask for a paper copy of this notice at any time, and we will provide you with one.

Get a copy of your DDS records

- As required by law, you can request a copy of your DDS records. You must make this request in writing.
- DDS may charge you a reasonable fee to pay for the costs of copying your DDS records and sending them to you.

Ask us to correct your DDS records

- You can ask us to correct your DDS records if you think they are wrong or there is information missing.
- You must request this in writing, tell us what you want changed, and why. If we make the change you requested, we will tell you in writing. We may say “no” to your request, for example, if we think the information is accurate or we did not create the information, but we will tell you why in writing.

Your Rights

Request confidential communications

- You can ask us to contact you in a specific way, like calling you at home, your workplace, or on your cell phone, or sending mail to a different address. Please contact us in writing and tell us exactly where and how DDS should contact you.
- We will consider all reasonable requests and must say “yes” if you tell us you will be in danger if we do not.

Obtain a list of who we disclosed your information to

- In certain circumstances, you have a right to get a list, also called an “accounting”, of when, to whom, for what purpose, and a description of the information has been disclosed.
- We will include all disclosures we have made the six (6) years before the date you ask except for those times when your information was shared for your treatment, payment for treatment, or for DDS operations, and certain other disclosures (such as any you asked us to make).

Ask us to limit how we use or share your information

- You can ask us to limit how we use or share your information.
- This request must be in writing.
- DDS will consider every request, but we are not required to agree to it. For example, we may say “no” if the restriction would affect your care.

Substance use treatment information

- DDS will not share this information unless permitted by 42 C.F.R. Part 2.
- Unless you have given us permission to do so or a court issues a lawful order requesting your records or testimony relaying the content of such records and you were given the opportunity to object to the order, DDS will not disclose substance use treatment information in any type of civil, criminal, administrative, or legislative investigation or proceeding against you.

Reproductive Health Information

- DDS will not share your information for use in any criminal, civil, or administrative investigation or proceeding against anyone seeking, obtaining, providing, or facilitating a legally protected health care activity.
- DDS will protect your reproductive health information from out-of-state subpoenas for documents or information or testimony about legally protected health care activity.
- *Example:* If you move to a state that criminalizes a person for seeking reproductive health care and officials from that state request your information from DDS, DDS will not provide that information.

File a complaint

- You can contact DDS if you believe your privacy rights have been violated or have questions about this notice. You can also file a complaint with the U.S. Department of Health & Human Services using the information at the end of this notice to file a complaint.
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Your Choice

You have power over how your information is shared. In certain instances, you can decide who your information is shared with and how it is used.

Who to include in your care

- You have the right to choose who DDS shares information with, such as friends, family, or others involved in your treatment, representation, or payment for care.
- If you are unable to tell us your choice, such as if you are unconscious, DDS may share your information with another person only if we believe it is in your best interest.

Disclosures with your permission

- DDS will not use or share your information other than as described in this notice, unless you give us written permission.
- You can change your mind at any time, as long as you tell us in writing.
- If you take back permission, we cannot take back any information that we used or shared when we had your permission. This includes reproductive health information and substance use treatment information.

Marketing and sale of information

- DDS does not sell your information or share your information for marketing purposes.

Our Responsibilities

DDS will keep your information secure and private.

Protect your information

- We are required by state and federal laws to protect information about you, and we will let you know promptly if a breach occurs that may compromise the privacy or security of your information.

Tell you how your information will be used and shared

- DDS is required to follow by the terms of this notice.
- DDS can make changes to this notice. If we make any important changes to this notice or the way we use and share your information, we will let you know.

Maintain records for at least 20 years after last date of service

- DDS will maintain client records for at least 20 years after the closing of the record due to discharge, death or last date of service. After that time, your records may be destroyed.
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Our Responsibilities

Contact us

- You can contact the DDS Privacy Office if you want to use exercise any of the rights described in this notice, or if you want to learn more about how DDS protects your information.
- Email: DDS.privacy.officer@mass.gov
- Address: DDS Privacy Office
DDS Central Office
40 Broad St., 4th Floor
Boston, MA 02109
- Phone: (617) 727-5608 or (888) 367-4435
- If you need help understanding this notice, call (617) 727-5608 or (888) 367-4435 Monday through Friday, 8:00 a.m. – 5:00 p.m.
- Please contact us to request a copy of this notice in other languages or to get a copy in another format, such as large print or braille.

Contact the US Department of Health and Human services

- Address: U.S. Department of Health and Human Services
200 Independence Avenue, S.W., Room 509F HHH Bldg.
Washington, D.C. 20201
- Email: OCRcomplaints@hhs.gov
- Toll-free: (800) 368-1019 TDD toll-free: (800) 537-7697

DDS may update or change the terms of this notice.

- DDS may change its privacy practices and the terms of this notice at any time. Changes will apply to information and PHI that DDS already has as well as information and PHI that DDS receives in the future. The most current privacy notice will be available in DDS facilities and offices, on the DDS website (<https://www.mass.gov/lists/dds-notice-of-privacy-practices>), and will be available on request.
 - **The notice is effective as of February 16, 2026.** This notice replaces DDS' previous notices dated April 14, 2003 and September 1, 2014.
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