

CHAPTER 30  
PRIVACY ACT

30-1 TITLE AND PURPOSE

30-1.01 This shall be known as the Kootenai Tribe of Idaho Privacy Act.

30-1.02 The purpose of this privacy act is to provide certain safeguards for individuals against invasions of personal privacy. The Kootenai Tribe of Idaho uses computing tools such as databases and related software to conduct tribal business and to store personal information of individuals. In order to protect the privacy of individuals in information systems maintained by the Tribe, it is necessary to ensure that tribal privacy policy keeps up with technical advances.

30-2 DEFINITIONS

(1) "Tribe" shall mean the Kootenai Tribe of Idaho.

(2) "Maintain" shall include maintain, collect, use, or disseminate.

(3) "Record" shall mean any item, collection, or grouping of information about an individual that is maintained by the Tribe, including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(4) "Routine Use" with respect to disclosure of a record, the use of such record for a purpose which is compatible with the purposes from which it was collected.

30-3 CONDITIONS OF DISCLOSURE

30-3.01 The Tribe shall not disclose any record by any means of communication except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains unless the disclosure of the record would be:

(1) For routine use by the Tribe;

(2) To a recipient who has provided the Tribe with advance adequate written assurance

that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(3) Used in a manner consistent with the preservation of the Tribe's historical identity;

(4) To appropriate Tribal, Federal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations, purposes, or prosecutions;

(5) When pursuant to a requirement by the Tribe for any lawful purpose; Or

(6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual.

30-3.02 An individual who releases any record when there exists a reasonable belief that there is an emergency involving immediate danger or serious physical injury to any person or that an alleged perpetrator of a criminal act may flee the jurisdiction is protected from civil liability for this action.

30-4 ACCOUNTING OF SUCH DISCLOSURE

30-4.01 The Tribe shall account for any disclosure of records except as provided in 30-3.01(1), (4) and (5).

(1) The Tribe shall record the date, nature, and purpose of each disclosure; And

(2) The name and address of the person or agency to whom the disclosure is made.

30-5 ACCESS TO THE RECORDS

30-5.01 The Tribe may allow any individual to gain access to their record to review and copy.

30-5.02 The Tribe may allow an amendment of a record pertaining to an individual:

(1) To make a correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; And

(2) The individual makes a request not later than 10 business days prior to such amendment.

30-5.03 The Tribe reserves the right to refuse access to or amending of any record for any reason.

30-6 REQUIREMENTS OF THE TRIBE

30-6.01 The Tribe shall:

(1) Maintain in its records only such information about an individual as is relevant and necessary to the Tribe's purposes;

(2) Take reasonable steps to safeguard records;

(3) Inform the individual whom information is being collected from of:

(a) The purpose for which the information is intended to be used;

(b) The effects of not providing all or false information; and

(c) That the rights of that individual are contained within this Act.

(4) Make timely determinations concerning the routine use of the record; And

(5) Ensure that records are safely terminated after their purpose has expired.

30-7 TRIBAL RIGHTS

30-7.01 The Tribe reserves the right to:

(1) Keep records on hand up to ten (10) years after a determination has been made or other amount of time if required by law;

(2) Verify and follow up on information provided in records;

(3) Seek additional data concerning records; And

(4) Routine use of records.

30-7.02 These rights are not limited and may be expanded at the discretion of Tribal Council.

30-8 FALSE STATEMENTS WITHIN RECORDS

30-8.01 An individual who either makes a false statement within a record or intentionally misrepresents themselves in a record may be punished:

(1) Under the criminal provisions of section 4-4.19; or

(2) Under the regulatory infraction provisions of section 5-3.08; or

(2) Remedies under federal law at 18 U.S.C. §1001.

30-9 RIGHT TO APPEAL

30-9.01 Appeals concerning any records must be made to Tribal Council.

30-9.02 The Tribal Council reserves discretion whether to hear an appeal.

30-9.03 The decision of the Tribal Council is final.