§ 259-k. Access to records and institutions. 1. All case files shall be maintained by the department for use by the department and board. The department and board and authorized officers and employees thereof shall have complete access to such files and the board of parole shall have the right to make such entries as the board of parole shall deem appropriate in accordance with law.

2. The board shall make rules for the purpose of maintaining the confidentiality of records, information contained therein and information obtained in an official capacity by officers, employees or members of the board of parole.

3. Members of the board and officers and employees of the department providing community supervision services and designated by the commissioner shall have free access to all incarcerated individuals confined in institutions under the jurisdiction of the department, the office of children and family services and the department of mental hygiene in order to enable them to perform their functions, provided, however, that the department of mental hygiene may temporarily restrict such access where it determines, for significant clinical reasons, that such access would interfere with its care and treatment of the mentally ill incarcerated individual. If under the provisions of this subdivision an incarcerated individual is not accessible for release consideration by the board, that incarcerated individual shall be scheduled to see the board in the month immediately subsequent to the month within which he or she was not available.

4. Upon a determination by the department and board of parole that records regarding an individual presently under the supervision of the department are relevant to an investigation of child abuse or maltreatment conducted by a child protective service pursuant to title six of article six of the social services law, the department and board shall provide the records determined to be relevant to the child protective service conducting the investigation. The department and board shall promulgate rules for the transmission of records required to be provided under this section.