

SAMPLE

Home, School & Community Council - Records Confidentiality Policy

When children and their families become involved with human service agencies, they are asked to share some of the most intimate and private information about themselves. This information may include medical or mental health issues, alcohol or other substance abuse information, employment and income status and criminal record. Confidentiality restrictions have been developed as a way to protect the privacy of individuals and ensure that personal information is disclosed only where it is necessary.

While confidentiality is a high priority, it cannot be a barrier to the development of collaborative efforts that are designed to enhance the benefit to our clients. The interests of children and their families are of undeniable importance, yet they represent only part of the equation. When families need public social services, the individual's "right to be left alone" is met by the need to share information for the effective and efficient provision of services. Moreover, children and their families also have an interest in the effective and efficient provision of services. The proper role of confidentiality provisions, therefore, depends on the balancing of these interests.

Developing Informed Consent

Confidentiality restrictions, therefore, are not absolute and should not be conveyed as such. Instead, Councils must balance individual interest in privacy against collaborative interest in providing effective services. In order to do so most effectively, these principles should be discussed with members and their families so that they can participate in an informed and effective manner in the process of appropriate maintenance of privacy while maximizing the personal benefit from collaborative services.

Such a discussion will necessarily provide the opportunity for each of these interests to be discussed openly and to be faced in a real way. Simple statement that all records are confidential are simply misleading.

Much information-sharing takes place through informal exchanges, often over the telephone. This generally occurs between workers in different

agencies who have developed a high degree of trust and cooperation. It is usually limited to verbal exchanges of information. If documents need to be shared, a written release or other formal mechanism is required.

In addition, most statutes explicitly authorize a certain degree of information sharing for purposes such as administration of the program, audits, determinations of eligibility for services, medical emergencies, and investigations, prosecutions, or civil or criminal proceedings related to administration of the program.

Virtually all applicable statutes authorize information-sharing with the consent of the client. Such information sharing requires a WRITTEN RELEASE that will include:

- specification of the name of the person who is the subject of the information,
- the name of the person or agency sharing the information,
- the name of the person or agency with whom the information will be shared,
- the reason for sharing the information,
- the kind of information that will be shared,
- the signature of the person giving consent,
- the date the release is signed, a statement that the release may be revoked at any time by the person giving consent, and
- an expiration date for the release, and a statement that the person giving the consent is entitled to a copy of the release.

In addition to informal exchanges, formal interagency agreements, memoranda of understanding, contracts, court orders and other mechanisms for sharing information among agencies exist.

Finally, there is the necessity of confidentiality in aggregate information systems, particularly automated information systems containing identifiable information. Using such systems while ensuring client privacy requires:

- clarifying the purposes of the information system,
- limiting the information in the system to that truly needed to fulfill those purposes,
- securing the cooperation of multiple agencies in developing and operating the system,

- providing adequate notice to adolescents and families that information about them is being put into an information system and will be accessible to others for specific purposes,
- maintaining several levels of security in the system, and
- providing adequate training for staff.

Our concern then is to develop procedures that protect confidential information in practice.

As a matter of **policy** Home, School & Community Councils will share information to other staff on a need to know, rather than a right to know basis. By this we mean that simply because a Chief Staff Officer has the right to know certain information about the members in the program, this information will not be shared until it becomes a need.