

## PRIVACY & CONFIDENTIALITY

**Introduction:** Intended as advisory to reentry and other helping practices, this document is in two parts. The first summarizes remarks by Jim Smith, LMSW; C.A.S.A.C., Executive Director, Spiritus Christi Prison Outreach, at the Judicial Process Commission on 11/02/07. The second is Section 1.07 Privacy and Confidentiality, in full, of the National Association of Social Workers' Code of Ethics.

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Privacy and confidentiality of client information are matters of fundamental trust as well as professional responsibility. They contribute to the respect and love essential in reentry and other helping relationships.

Organizations shall seek clients' written consent regarding privacy and confidentiality. Clients shall signify their acknowledgment of institutional policies and practices. They shall sign separate disclosure statements in each instance of informational sharing (with, e.g., parole, probation, and drug court). Documents shall specify the organizational affiliation (e.g., Division of Parole), not individuals (e.g., specific parole officer), since organizational ties endure.

Clients and helping organizations share spoken and written information necessary to healing and well-being. This Information is not to be conveyed to others except according to organizational rules.

Helping organization discuss privacy and confidentiality with clients, and they share information among teams of staff persons caring for clients.

Helping organizations ask for only information that is vital to service provision and do not seek unnecessary data. Staff will be prudent in handling and speaking about this information both among themselves and in the presence of others.

Organizations shall safeguard client information in hard copy and digital form to prevent observation by or dissemination to unauthorized persons.

Helping organizations may contravene these rules when they reasonably believe clients may harm themselves or others. In such instances, the organizations shall first try to explain to clients what may happen if threatening behaviors continue and that such action is taken to serve the clients.

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National Association of Social Workers,  
<http://www.socialworkers.org/pubs/code/code.asp>

"Section 1.07 Privacy and Confidentiality," from the NASW Code of Ethics  
as approved by the 1996 NASW Delegate Assembly  
and revised by the 1999 NASW Delegate Assembly

### 1.07 Privacy and Confidentiality

(a) Social workers should respect clients' right to privacy. Social workers should not solicit private information from clients unless it is essential to providing services or

conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

- (b) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.
- (c) Social workers should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. In all instances, social workers should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.
- (d) Social workers should inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether social workers disclose confidential information on the basis of a legal requirement or client consent.
- (e) Social workers should discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers should review with clients circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion should occur as soon as possible in the social worker-client relationship and as needed throughout the course of the relationship.
- (f) When social workers provide counseling services to families, couples, or groups, social workers should seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others. Social workers should inform participants in family, couples, or group counseling that social workers cannot guarantee that all participants will honor such agreements.
- (g) Social workers should inform clients involved in family, couples, marital, or group counseling of the social worker's, employer's, and agency's policy concerning the social worker's disclosure of confidential information among the parties involved in the counseling.
- (h) Social workers should not disclose confidential information to third-party payers unless clients have authorized such disclosure.
- (i) Social workers should not discuss confidential information in any setting unless privacy can be ensured. Social workers should not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.
- (j) Social workers should protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, social workers should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.
- (k) Social workers should protect the confidentiality of clients when responding to requests from members of the media.

- (l) Social workers should protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers should take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.
- (m) Social workers should take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible.
- (n) Social workers should transfer or dispose of clients' records in a manner that protects clients' confidentiality and is consistent with state statutes governing records and social work licensure.
- (o) Social workers should take reasonable precautions to protect client confidentiality in the event of the social worker's termination of practice, incapacitation, or death.
- (p) Social workers should not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.
- (q) Social workers should not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.
- (r) Social workers should protect the confidentiality of deceased clients consistent with the preceding standards.

Source: <http://www.socialworkers.org/pubs/code/code.asp>  
--> 11/07/07 -- < Privacy&NASW.pdf >