



**FEDERAL
CONFIDENTIALITY LAWS –
VAWA 2005**

Federal Law – VAWA 2005

- If your program receives federal grant money, you must also follow confidentiality provisions in the Violence Against Women Act (reauthorized by Congress in 2005).
- These are similar to WA state laws and statutes protecting survivors' information.

Federal Law – VAWA 2005

- Like “confidential information” about program participants spelled out in WAC 388-61A-0025, VAWA describes similar items considered “personally identifying information” that programs must not disclose without a written release from the survivor.
- Sections of VAWA stating these restrictions on disclosure of confidential information are on the next three slides.



Federal Law - VAWA

VAWA 2005 (Public Law 109-162, Section 3):

Nondisclosure of Confidential or Private Information

- (A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and sub-grantees under this title **shall protect the confidentiality and privacy of persons receiving services.**

Federal Law - VAWA

- (B) NONDISCLOSURE .— grantees and subgrantees shall not:

- (i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or
- (ii) reveal **individual client information without the informed, written, reasonably time-limited consent of the person** ... about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program....

VAWA – Definition of “Personally Identifying Information”

- (i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—
- individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—
- (I) a first and last name;
- (II) a home or other physical address;
- (III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (IV) a social security number; and
- (V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

VAWA – Permitted Information Sharing

- Like RCW 70.123.076(4) and WAC 388-61A-0320, VAWA also provides guidance for DV programs on data that they are allowed to share for funding purposes (see next slide).
- This statistical data cannot contain any of the prohibited elements of “personally identifying information.”

VAWA – Permitted Information Sharing

- (D) INFORMATION SHARING.—Grantees and subgrantees may share
 - (i) **non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information** in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
 - (ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and
 - (iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.