FEDERAL
CONFIDENTIALITY LAWS –
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.
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.
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…. 
(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.
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.”
(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.