



CONFIDENTIALITY REQUIREMENTS

Confidentiality Requirements for DSHS-funded Programs

- State law and regulations both say: DV programs must **not** disclose information to any outside party without the informed consent of the program participant.
 - RCW 70.123.076(1) and WAC 388-61A-0310
- An agency could suffer legal penalties and financial consequences for practices that do not meet this requirement.

Confidentiality Requirements for DSHS-funded Programs

- WAC 388-61A-0220 specifies the items included in “confidential information” that DV programs must not disclose about program participants: “name, address, telephone number, social security number, date of birth, nine-digit postal (ZIP) code, physical appearance of, case file or history of, and other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence agency.”

If the DV Program Must Share Survivor Information

Under state law, DV agencies must try to contact a survivor whose personal information has to be turned over to a court, even if they are no longer a current program participant (see RCW on next page).

- Also specified in WAC 388-61A-0320.

If the DV Program Must Share Survivor Information

RCW 70.123.076(3): If disclosure of a recipient's information is required by statute or court order, the domestic violence program shall make reasonable attempts to provide notice to the recipient affected by the disclosure of information. If personally identifying information is or will be disclosed, the domestic violence program shall take steps necessary to protect the privacy and safety of the persons affected by the disclosure of the information.



Confidentiality Requirements Can *Help* You

These requirements are not just rules to worry about breaking, they can help you in your advocacy.

- Provide an explanation to external parties (like DSHS or law enforcement) that may demand client information from your agency.
- Useful for your work with collaboration partners – help them understand your work and how seriously your agency takes protecting survivors' personal information.



Data for Funders

- Funders are entitled to financial details regarding how their money is used.
- The need to track a DV program's use of funding must be balanced against the interests of survivors in maintaining their confidentiality, and therefore, safety.
- State law provides guidance for how information about program services can be legally provided to funders without identifying any program participants.

Sharing Statistical Data with Funders and Government Agencies

- RCW 70.123.076(4): To comply with tribal, federal, state, or territorial reporting, evaluation, or data collection requirements, domestic violence programs ***may share data in the aggregate that does not contain personally identifying information*** and that: (a) Pertains to services to their clients; or (b) is demographic information.

Notice of Confidentiality Rights

- DV programs are required by state law to provide a written notice of program participants' rights to confidentiality at intake. (WAC 388-61A-0340)
- The notice of rights must be explained to the program participant at their initial intake, and also when/if the participant is considering whether to sign a release of information.

Notice of Confidentiality Rights

WAC 388-61A-0340 describes the information that must be provided on the notice of rights:

- The client's right to privacy and confidentiality of the information shared with the DV program.
- What the exceptions are to maintaining confidentiality (mandated reporting of child abuse or neglect, duty to warn of imminent harm, written release from client).

Notice of Confidentiality Rights

WAC 388-61A-0340 (continued):

- Client does not give up their right to have their personal information protected even if they sign a release allowing some information to be shared with others.
- Client has the right to withdraw a written release at any time.
- DV program will not require any client to sign a release of information in order to receive agency services.



Model Notice of Rights

- WSCADV has created a model notice of program participant rights to confidentiality that includes all the elements outlined in WAC 388-61A-0340.
- The following two slides show the model form.
- You can download the form on our website at www.wscadv.org under Resources (look for Model Forms in the “Advocacy” topic).

Notice of Your Right to Confidentiality

Safety is a priority of our program. To respect your privacy and help support your safety and right to make your own decisions, we will make every effort to keep what you tell us confidential. Confidential information includes:

- any written or spoken communication between a person seeking/receiving services and any program staff, volunteer, or board member;
- any records or written information identifying a person to whom services are provided; and
- any information about services provided to an individual.

We will not disclose anything about you without your permission, unless a legal exception exists. Legally, we are obligated to release confidential information if we are required by a court order. We are required by law to contact Child Protective Services if we suspect your child has been abused or neglected. We are also required by law to contact law enforcement when there is potential suicidal behavior or threat of harm to others that is likely to result in a clear, imminent risk of serious physical injury or death to you or another person.

It is your choice to decide what information you share about yourself and you may change your mind and withdraw the release at any time. You do not have to give permission or sign a release of information in order to receive services. It is completely your decision.



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You may find it helpful for us to share specific and limited information with other agencies and programs. You can choose to give permission so that we can release this information about you. If you decide that we can share your information, this will be done by signing a Release of Confidential Information form. However, we will still protect your privacy and confidentiality to the best of our ability. Please note that if you sign a release of information you do not give up your right to have the released information protected under other laws or rules.

I understand the information provided on this form.

Participant Signature

Date