



2021/22

Confidentiality Policy

Clean Slate Policies

CONFIDENTIALITY POLICY

GENERAL PRINCIPLES

In order to ensure the safety and privacy of users it is the policy of Clean Slate to protect the confidentiality and privacy of those who seek Clean Slates' services and to hold confidential all personally identifying or individual information, communications, observations, and information made by, between, or about service participants, including the identity of service participants.

The Board and all agents, employees, consultants, and volunteers are charged with maintaining the confidentiality of service participants as outlined in Clean Slate policies.

Clean Slate shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through its programs or reveal any individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought.

Clean Slate will avoid any inadvertent release of personally identifying information or individual information about any service participant.

The obligation to maintain confidentiality does not end when the service to a participant is concluded.

Confidentiality extends to all current and former service participants, including those who were denied services.

It is also the policy of Clean Slate to keep the physical address of any undisclosed agency locations, as well as the employment, residence, and family addresses of service participants, staff, volunteers, counsellors, advocates, board members, absolutely confidential.

Staff, volunteers, counsellors, advocates, consultants, board members, must understand that their employment or volunteer position is contingent on adherence to confidentiality.

Clean Slate will provide a legal defence to any staff person or volunteer who is subject to a lawsuit because of their compliance with this policy.

Service participants must understand that their receipt of services is contingent on rigid adherence to confidentiality

Confidential information can be released only in accordance with the guidelines set out below.

Written Agreement to Maintain Confidentiality

All service participants, staff, volunteers, counsellors, advocates, consultants, board members, must sign a written agreement to maintain confidentiality. This agreement will be placed in the personnel files of the staff and in the individual files of service participants, volunteers, counsellors, advocates, board members.

Definitions

- Confidential information includes any written or spoken information shared in confidence between a service participant and a counsellor/advocate in the course of that relationship, which includes any information that might identify the location or identity of someone who has sought services.
- Confidential communication includes all information received by the service participant and any advice, report, or working paper given or made by the counsellor/advocate. All knowledge, advice, records, logs, client, and organizational records, or working papers (including electronically maintained records relating to a service participant) are confidential and are not to be shared with a third party.
- Communications are confidential even if the service participant shares the information with third parties, who are working to further the interest of the service participant, in the presence of the counsellor/advocate. Confidential documents received from other agencies (for which a service participant had to execute a written release) are confidential and part of the scope of confidential communications.

'Personally identifying information' or 'personal information' is individually identifying information about an individual and includes information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking. This information can include: -

- A. *First and last name.*
 - B. *Home or other physical address.*
 - C. *Contact information (including a postal, e-mail, or Internet protocol address or telephone or facsimile number).*
 - D. *Social security number/ National Insurance Number*
 - E. *Any other information (including date of birth, racial or ethnic background, or religious affiliation) that, in combination with (a) through (d), would serve to identify an individual.*
- Service participant is any person, including any adult, youth, child, or family who contacts Clean Slate or receives any services from Clean Slate whether those services are received by telephone, fax, electronically, or in person and whether those services are sought for themselves or for someone else.
 - Staff includes all paid and unpaid staff, volunteers, counsellors, advocates, consultants, and board members

Prohibition of Release of Information to Anyone outside the Agency

Staff information: The personal information, including home address, personal telephone numbers, etc., of staff, volunteers, counsellors, advocates, board members, and consultants, are absolutely confidential and shall not be disclosed to any source outside Clean Slate

Survivor information: Staff must not disclose any information about a service participant to anyone outside of Clean Slate without an informed, written, reasonably time-limited consent of the service participant.

1. This includes the following:

- a. Staff should not disclose any personally identifying information or personal information, including the location or identity of any person who is receiving or has received services. This includes information that, by itself or in addition to other information, could identify or provide the location of a service participant. Similarly, disclosing the identity of any person who contacted or was referred to the agency, but did NOT receive services is also a breach of confidentiality. An appropriate response to an inquiry would be, *“I have no information for you.”*
- b. Staff should not disclose whether or not a person has sought, has received, or is receiving services. For example, staff must not confirm or deny the presence of an individual or family at the shelter. An appropriate response would be, *“I have no information for you.”*
- c. Staff should never acknowledge that someone is receiving services without a specific, informed, time-limited release by the service participant. If asked to take a message, the advocate should respond with the agency’s standard phrase: *“I can neither confirm nor deny that “X” is here, but I’d be happy to post a message on our bulletin board.”*
- d. Staff should not disclose information when ordered to do so by a court mandate without consulting Clean Slate who will seek legal advice
- e. Staff should not disclose information when required to do so by a statutory mandate without consulting Clean Slate who will seek legal advice.

If (d) or (e) occurs, staff must immediately contact the Chair of Trustees

2. Supervisory staff shall ensure that records remain confidential. To avoid the inadvertent disclosure of confidential communication, staff should contact supervisors when they receive a request for information regarding a client.
3. Service participants’ should not be identified in any materials used for teaching, public announcements, community education, or in written or verbal reports given to someone outside Clean Slate. The only exception to this is when the service participant asks Clean Slate to identify her/him and gives permission in writing.
4. Funders or auditors who must monitor service records must sign a confidentiality agreement before viewing any records that may contain protected information. Personally identifying information will be covered, redacted, or removed from records before they are viewed by auditors/funders.

Releases of Information

Staff may disclose personally identifying information or individual information if the service participant gives them explicit, informed, written, reasonably time-limited consent to do so. Service participants must be clearly advised of the possible consequences of any release of confidential information by eve

1. Before service participants authorize the release or disclosure of their information by Clean Slate, the service participant should review the information to be released and evaluate the benefits and drawbacks of releasing that information. Clean Slate will ensure that the

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service participant is informed of the scope of the information to be disclosed, the purpose for which the information is to be released, the duration for which the release is valid, and the ramifications of disclosure, including whether a partial disclosure of information might legally require full disclosure of all confidential information.

2. Releases must be in writing, signed, and dated in ink. The written release must :-
 - a. Be specific as to the information being released.
 - b. Include the purpose for the information being released.
 - c. Designate the individual or agency the information is going to.
 - d. Specify a time limit for the release (which typically should not exceed 15-30 days).

If needed, a release can be extended if the staff person reaffirms with the user that the release is still valid.

Whenever possible, the advocate should witness the service participant's signing the release. The release form shall state that it is revocable at any time by the service participant. After the release is signed, written authorizations will be placed in the service participant's file.

3. Clean Slate does not require a user to provide a release of information in order to receive services. Services will never be denied because a user chooses not to sign a release of information.
4. Limited releases: If the service participant gives informed, written, reasonably time-limited consent for release of confidential information, an advocate shall release the specific, limited information per the users request. Under no circumstances should an advocate release more information than authorized by the woman in the limited release.
5. Broad releases: If a user indicates that she/he is interested in signing a broad release to release a large amount of information (for example, her/his entire case file), staff should exercise care to ensure that the participant fully understands the implications of this release. In addition, staff should try to ensure that the user has not been coerced into signing a release. The release shall be reviewed by a supervisor before any information is disclosed. In the absence of a supervisor, the Chair of Trustees shall review it before any information is disclosed.
6. Outside requests for records (subpoenas/court orders): Any response to outside requests for client/victim information will be responded to by the Chair of Trustees. No other staff member is authorized to release information or respond to outside requests for records.
7. If a service participant verbally revokes an authorization to release information or records, staff should attempt to get that revocation in writing. However, even without written revocation, staff must honour the verbal revocation immediately and not release any information.
8. In cases involving un-emancipated minors, the minor's non-abusive parent or legal guardian must sign the release as well as the minor.
9. If a service participant has been legally adjudicated as unable to sign legal documents and a legal guardian has been court appointed, then the guardian has the right to consent to disclosure of confidential information maintained by Clean Slate. The legal guardian must

provide a certified copy of her/his order of appointment. The service participant shall still be advised that disclosure is anticipated.

10. Blank release forms or release of information forms created by another agency, even if signed by the service participant, are not effective to release confidential information from Clean Slate

Possible Exceptions

1. Emergencies which are life threatening or could result in serious bodily harm

To the extent possible, emergency services should be contacted without revealing any confidential information about any program participant. In many cases, the survivor should be conscious and able to speak with Emergency Medical Technicians (EMT). It is important to remember that even if it is appropriate to call 999, it is never appropriate to share a users' whole case history or file. In addition, it is not appropriate to specifically comment on why s/he was receiving assistance from your organization.

Staff may disclose confidential information when there is a clear and imminent danger that is life threatening or could result in serious bodily harm to an individual. When appropriate and possible, this determination should be made by the Trustee/Manager. If time is of the essence, staff should first call 999 and notify the Chair of Trustees as soon as is reasonable.

2. Mandatory reports to Children's Protective Services in cases of child abuse and neglect. Any report shall only be made according to the child abuse and neglect reporting law.
3. Crimes committed in the shelter. To the extent possible, criminal activity that must be reported to law enforcement will be reported without revealing any confidential information about any program participant.
4. Staff may disclose confidential information when there is a crime being committed on the premises and it has been determined that law enforcement should be involved.
5. The determination of whether to involve law enforcement should only be made by the Board of Trustees.