



Confidentiality Policy

Confidentiality, Mandatory Reporting, and Advocate Privilege Policies

Introduction/General Principles

In order to ensure the safety and privacy of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families, it is the policy of Bridges Oregon to protect the confidentiality and privacy of those who seek services and to hold confidential all personally identifying or individual information, communications, observations, and information made by, between, or about survivors, including the identity of survivors. The Board and all agents, employees, consultants, and volunteers are charged with maintaining the confidentiality of service participants as outlined in Bridges Oregon policies and in Federal and State law. Bridges Oregon 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. Bridges Oregon will avoid any inadvertent release of personally identifying information or individual information about any survivor. The obligation to maintain confidentiality does not end when the service to a survivor is concluded. Confidentiality extends to all current and former survivors, including those who were denied services.

If release of information described in the previous paragraph is compelled by statutory or court mandate, Bridges Oregon will make reasonable attempts to provide notice to victims affected by the disclosure of information; and will take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

Bridges Oregon can share (1) non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying information to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements.

It is also the policy of Bridges Oregon to keep the physical address of any undisclosed agency locations, as well as the employment, residence, and family addresses of service participants, staff, volunteers, counselors, advocates, board members, contractors, and student interns absolutely confidential.



Staff, volunteers, counselors, advocates, consultants, board members, contractors, and student interns must understand that their employment or volunteer position is contingent on adherence to confidentiality. Bridges Oregon will provide a legal defense 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.

Bridges Oregon staff and volunteers will allow no client-level data to be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release. The address or location of shelter is not to be made public except with written authorization of the Bridges Oregon executive director. All records regarding individuals or families residing in shelter are to be strictly maintained.

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

Written Agreement To Maintain Confidentiality

All survivors, staff, volunteers, counselors, advocates, consultants, board members, contractors, and student interns 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 survivors, volunteers, counselors, advocates, board members, contractors, and student interns.

Definitions

Confidential information includes any written or spoken information shared in confidence between a service participant and a counselor/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 survivors and any advice, report, or working paper given or made by the counselor/advocate. Any and 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 survivor, in the presence of the counselor/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.

Mandatory Reporting: In Oregon, shelter/hotline program staff and volunteers are not mandatory reporters. The only exceptions are those staff and volunteers who are mandatory reporters by law; due to other positions, they may hold in the community (for example, a licensed social worker, health care provider, work at a public university, or under some other provision of law). If you are working with a client and the client discloses interest in reporting abuse, you will want to assist the client to identify and plan for any safety concerns and to connect with the appropriate agency for the client to make the report.

If a Bridges Oregon employee or volunteer is a mandated reporter in another role (i.e.), the advocate should be sure to address and communicate this before a participant reveals any personal information. If you have concerns regarding a situation or this policy, please discuss it with the executive director.

‘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.
- 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.

Victim/Survivor is any person, including any adult, youth, child, or family who contacts Bridges Oregon or receives any services from Bridges Oregon, 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, counselors, advocates, consultants, board members, contractors, and student interns of Bridges Oregon.



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, counselors, advocates, board members, contractors, consultants, and student interns are absolutely confidential and shall not be disclosed to any source outside Bridges Oregon.

Advocate Privilege: All Bridges Oregon staff members and volunteers are required to attend a minimum of 40 hours of training that meets the Attorney General's standards for victim advocacy programs. In addition, to become a certified advocate with privilege, the advocate must attend additional specific Advocate Privilege training.

Privilege is on the part of the victim who in seeking safety planning, counseling, support or advocacy services related to domestic violence, sexual assault or stalking at a qualified victims services program. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing:

- (a) Confidential communications made by the victim to a certified advocate in the course of safety planning, counseling, support, or advocacy services.
- (b) Records that are created or maintained in the course of providing services regarding the victim.

Privilege is not waived by disclosure of the communications by the certified advocate to another person if the disclosure is reasonably necessary to accomplish the purpose for which the certified advocate is consulted. Advocate Privilege does not prohibit the disclosure of aggregate, non-personally identifying data.

Survivor information: Staff must not disclose **any** information about a survivor to anyone outside of Bridges Oregon without an informed, written, reasonably time-limited consent of the survivor.

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 survivor. 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 Bridges Oregon's attorney.
- e. Staff should not disclose information when required to do so by a statutory mandate without consulting Bridges Oregon's attorney.

If (d) or (e) occurs, staff must immediately contact the Executive Director at (503) 202-1500.

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. Survivors' should not be identified in any materials used for teaching, public announcements, community education, or in written or verbal reports given to someone outside Bridges Oregon. The only exception to this is when the survivor asks Bridges Oregon 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 survivor gives them explicit, informed, written, reasonably time-limited consent to do so. Survivors must be clearly advised of the possible consequences of any release of confidential information by Bridges Oregon.

1. Before survivors authorize the release or disclosure of their information by Bridges Oregon, the survivor should review the information to be released and evaluate the benefits and drawbacks of releasing that information. Bridges



Oregon will ensure that the survivor 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 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 survivor that the release is still valid.

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

3. Bridges Oregon does not require a survivor to provide a release of information in order to receive services. Services will never be denied because a survivor chooses not to sign a release of information.
4. Limited releases: If the survivor gives informed, written, reasonably time-limited consent for release of confidential information, an advocate shall release the specific, limited information per the survivor's request. Under no circumstances should an advocate release more information than authorized by the survivor in the limited release.
5. Broad releases: If a survivor 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 survivor fully understands the implications of this release. In addition, staff should try to ensure that the survivor 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 Executive Director 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 Executive



Director, in conjunction with the agency attorney. No other staff member is authorized to release information or respond to outside requests for records.

7. If a survivor 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 honor the verbal revocation immediately and not release any information.
8. In cases involving unemancipated minors, the minor's non-abusive parent or legal guardian must sign the release as well as the minor. Bridges Oregon can provide services to a child without the signature of a parent but cannot release personally identifying or confidential information regarding the minor without a release signed by the minor AND the parent.
9. If a survivor 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 Bridges Oregon. The legal guardian must provide a certified copy of her/his order of appointment. The survivor 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 survivor, are not effective to release confidential information from Bridges Oregon.

Possible Exceptions

1. **Emergencies which are life threatening or could result in serious bodily harm.** (NOTE: State laws differ on when disclosure of confidential information is permitted or required under this standard. In many cases, emergencies can be reported and emergency services, such as paramedics and firefighters, can be contacted without revealing any confidential information about a service participant. Even if there is a state law exception that allows for personally identifying information to be revealed when there is a life-threatening emergency, it may be fairly limited. For example, some states limit disclosure in situations that are life-threatening, but other states do not include this limitation as an exception at all. Review your jurisdiction's laws regarding this exception, and adapt this model policy to be consistent with your state's laws.)

To the extent possible, emergency services should be contacted without revealing any confidential information about any survivor. 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 911, it is never appropriate to share a survivor's 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 Executive Director or Board Chair. If time is of the essence, staff should first call 911 and notify the Executive Director or Board Chair 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 survivor. Staff may disclose confidential information when there is a crime being committed in the shelter and it has been determined that law enforcement should be involved. The determination of whether to involve law enforcement should only be made by the Executive Director or Board Chair.
4. **Other exceptions particular to state law.**

NOTE: Some states have confidentiality exceptions for certain situations including (1) where the service participant has testified, has committed perjury, and the staff has information which impacts the determination of perjury; (2) where the staff testifies only to the appearance of the victim, where her appearance may be an issue in a court proceeding; (3) where the staff is testifying only to the chain of custody of relevant evidence; (4) where the staff may have evidence relevant to the physical, mental, or emotional state of the service participant. In developing confidentiality policies, it is essential to know any particular state law exceptions that should be addressed by agency policies.



I have received and read a copy of Bridges Oregon's policy on confidentiality and understand that as a staff person I am bound by this policy.

Signature

Print name

Date