

## **Confidentiality Policy**

Information concerning a client or the affairs of the employer is privileged and confidential. Employees will avoid unnecessary sharing of information about their clients and their affairs. Confidential information about a client may be divulged only under the circumstances described below under Procedures for Releasing Confidential Information, when the client signs a consent form that indicates with whom the information may be shared. Within the context of family work, confidential information provided by one family member will not be disclosed to another family member without the consent of the family member who originally provided the information.

When employees are obliged to provide information to prevent a crime or to prevent clients from doing harm to themselves or others, they must act with reasonable care and follow the procedures outlined below.

Except as stated above, employees shall not transmit any information to another person without authorization from the Executive Director or designated supervisor. Release of confidential information, when authorized, shall be on a need-to-know basis.

All matters and information pertaining to the clients that has been gained within the organization must be treated as confidential. Under no circumstances may client information be divulged either inside or outside the organization other than to persons authorized to receive such information in the course of their duties.

Under no circumstances will any person working for Kootenay Family Place use any such information to his or her personal advantage.

Except when consent has been given, when confidential information is requested, employees must state that they are not authorized to release any information regarding clients or agency affairs, and should then refer the individual requesting information to their supervisor or to the Executive Director.

Information requests from newspapers and other public news organizations should be referred to the Executive Director. Staff should make no public comments.

### Confidentiality and files

The confidentiality of clients must be protected through security of their files. Files must be maintained in an area that is kept locked when unattended. Under the Freedom of Information Act, clients have access to their own files and to information about them if it does not compromise the privacy and safety of others. Application for access must be made in writing to the Executive Director, the Residential Programs Manager or the Program Manager, as appropriate.

## Procedures

When the organization receives a request for the release of confidential information about a person or family served, or the release of information is necessary for the provision of services, the following steps must be taken prior to releasing the information:

The Executive Director determines if the request is valid and in the best interests of the person or family served, unless the request is a result of a subpoena or other circumstances where disclosure is mandated by law. A valid request is justifiable, legitimate, convincing and legally permissible. Written, informed consent must be obtained from the person served. This consent must include the following elements:

1. The signature of the person whose information will be released, or the parent or legal guardian of such a person who is unable to provide informed consent
2. The specific information to be released
3. The purpose for which the information is to be used, except where disclosure is mandated by law or the person served is receiving service under court supervision or directive
4. The date the consent takes effect
5. The date the consent expires. This must not be more than 90 days from the date consent is given for one-time releases of information, or one year when the release of information is required for ongoing service provision
6. The name of the person to whom the information is to be given
7. The name of the person with the organization who is providing the confidential information
8. A statement that the person or family served may withdraw consent at any time.

If the person is an adult or minor who is incapable of providing informed consent, the worker must obtain consent from his or her parent or legal guardian. When permitted by law, confidential information may be released without the informed, written consent of the person or legal guardian. (See below for further information.) A copy of the signed consent must be given to the person or family providing consent and a copy must be placed in the case record.

### Valid Reasons for Disclosure:

#### Legal compulsion:

Disclosure may be ordered by a Court usually under subpoena. If there is any doubt that the information sought to be placed in evidence is, in fact, legitimately substantial within the context of the court hearing, it should be brought to the attention of the Executive Director who will, if necessary, seek legal advice.

Disclosure may be required when personal information gives rise to a reasonable apprehension of danger to the public or to the person being served. The Child, Family

and Community Service Act [http://www.qp.gov.bc.ca/statreg/stat/C/96046\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm) requires such disclosure.

Disclosure of personal information of persons served, by virtue of KFP's contractual relationships with agencies of the Province of B.C., must be made when requested by authorized employees or contractors of the Province of B.C. (e.g. Social Workers, Probation Officers, and Psychiatrists). KFP's contractual agreements with the province state that "any personal information regarding clients of the Province of B.C. collected by the parties is collected on behalf of the Province of B.C."

**Information not to be shared:**

Personal information may not be disclosed if the information could reasonably be expected to:

- Threaten anyone else's safety or mental or physical health
- Interfere with public safety
- Result in immediate and grave harm to the client's safety or mental or physical health
- Be an unreasonable invasion of a third party's personal safety