

Section 01: Key Concepts: Privacy & Confidentiality

(adapted from content developed by Toronto HIV/AIDS Network)

Privacy

- Privacy refers to an individual's right to be free from intrusion or interference by others. It is a fundamental right in a free and democratic society. Individuals have privacy interests in relation to their bodies, personal information, expressed thoughts and opinions, personal communications with others, and spaces they occupy.
- An important aspect of privacy is the right to control information about oneself. The concept of consent is related to the right to privacy. Privacy is respected if an individual has an opportunity to exercise control over personal information by consenting to, or withholding consent for, the collection, use and/or disclosure of information. *(Source: www.pre.ethics.gc.ca)*

Confidentiality

- The duty of confidentiality may be a legal or ethical duty. It refers to the obligation of an individual or organization to safeguard entrusted information. The duty of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Fulfilling the duty of confidentiality is essential to the trust relationship. *(Source: www.pre.ethics.gc.ca)*
- However, there are bounds of confidentiality – essentially who is defined in the circle of care. The line should be drawn around the circle of care, not around the individual. Explaining this to a client is also essential to the trust relationship.
- And, there *limits and exceptions* to confidentiality, defined by law or by ethics. Explaining those limits and when we may be compelled to breach privacy or where we may choose to do so to prevent harm or death is also essential to the trust relationship.

Exceptions to in Maintaining Confidentiality in Social/Health Service Organizations

- Health and safety of an individual/Risk of serious harm to person or group
 - Child abuse
 - Suicide risk
 - Imminent risk of serious bodily harm or death
 - Medical emergencies
- Compassionate circumstances that aren't about health & safety
- Disclosures to public health authorities
 - Reportable illness;

- Situations posing public health threats
- Other legal obligations
 - Subpoenas
 - Search warrants

Privacy & Confidentiality in Policy & Practice

Agencies should require each staff member and volunteer to read and sign a confidentiality agreement. This requirement is routinely included in agency policy and reflected in agency practice and forms.

The confidentiality agreement or form you complete and sign as a volunteer will probably cover numerous types of confidential information as well as various relationships which give rise to duties of confidentiality.

As a volunteer, your duty of confidentiality extends beyond clients' confidential information, and includes the agency and its staff and volunteers.

For example, the agreement or form you are asked to sign might state:

Volunteers must maintain privacy and confidentiality of information they gain while volunteering, including information about:

- *Clients and their families*
- *Staff and other volunteers, including Board members*
- *Agency program decisions, business activities, funding, fundraising, finances and governance matters*
- *Terms and conditions of agency partnerships*
- *Agency internal policies and procedures*

Volunteers must not disclose any personal or confidential information they receive, either directly or indirectly, during the course of their volunteer duties. Volunteers must not disclose any confidential information even after they are no longer volunteering.

Exceptions would include...

Etc.