

VOCA on confidentiality:

The Victim Compensation and Assistance Program (part of the Victims of Crime Act of 1984)(hereafter "VOCA"), 42 USC §10601 *et. seq.*, includes statutory and regulatory language which require programs, as a condition of funding, to have policies and procedures which will assure that confidentiality of served individuals will be maintained.

Under VOCA, grantees must certify that they will comply with the regulations set out in 28 CFR Part 22. If the regulations are not adhered to, the program may have sanctions imposed, including the termination of VOCA funding. Any person violating the confidentiality provisions may be fined an amount not to exceed \$11,000 plus any other penalty imposed by law. 42 USC 3789g(d); 28 CFR 22.29. Service participants must be notified that any identifying information will only be used or revealed for statistical or research purposes. 28 CFR 22.27.

The relevant language from VOCA and the regulations follows:

42 USC 3789g(a) Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings

No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

28 CFR § 22.1 Purpose.

The purpose of these regulations is to:

- (a) Protect privacy of individuals by requiring that information identifiable to a private person obtained in a research or statistical program may only be used and/or revealed for the purpose for which obtained;
- (b) Insure that copies of such information shall not, without the consent of the person to whom the information pertains, be admitted as evidence or used for any purpose in any judicial or administrative proceedings;
- (c) Increase the credibility and reliability of federally-supported research and statistical findings by minimizing subject concern over subsequent uses of identifiable information;
- (d) Provide needed guidance to persons engaged in research and statistical activities by clarifying the purposes for which identifiable information may be used or revealed; and
- (e) Insure appropriate balance between individual privacy and essential needs of the research community for data to advance the state of knowledge in the area of criminal justice.
- (f) **Insure the confidentiality of information provided by crime victims to crisis intervention counselors working for victim services programs receiving funds provided under the Crime Control Act, and Juvenile Justice Act, and the Victims of Crime Act.**

[emphasis added]