



Achieving Clarity & Protecting Privacy

*When survivors seek services
on campus*

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Objectives Today

- Articulate the concepts of “privilege”, “privacy” & “confidentiality”
- Instigate local conversations to define the levels of privacy that will be enforceable in campus-based services.
- Understand importance of informing survivors about privacy choices, campus-based exceptions and alternative services options.



Privacy Concepts



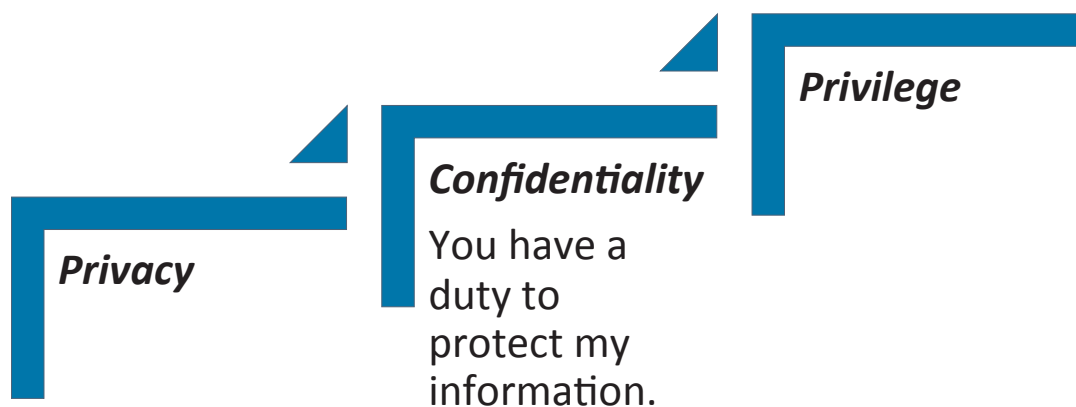
Privacy Concepts



Privacy & Safety Are Linked



Privacy Concepts



Confidentiality by Law

VAWA/FVPSA Funding Rule -

- Victim Service Provider Grantees shall **NOT** disclose, reveal or release any:
 - personally identifying information (PII)
 - individual information [for VAWA only]
 - collected in connection with program services
 - requested,
 - utilized or
 - denied



Confidentiality by Professional Code

- National Association of Social Workers Code of Ethics
- Attorney Rules of Professional Conduct



Confidentiality by Policy

- School policy about disclosure & access
- Office policy about disclosure & access



No Disclosure = Protecting Choice

- Advocate *protects*
 - Survivor's right
 - to decide who knows his/her information,
 - Including fact that Advocate contacted.
- Therefore:
 - Advocate doesn't decide to disclose
 - Survivor can instruct Advocate to disclose



Privacy Protections



Government Extends Privilege

- Found in statute or court decision
- Extended to protect an important social value
- Means neither professional nor survivor can be forced to share
 - Except when government decides an exception



Government Decides Disclosure

- If a statute OR a court order requires disclosure
 - Only release info required by statute/order



What about “Mandatory Reporting”?

- If **state law** specifically requires your profession to make a disclosure
 - Only disclose minimum information required
- If **university rules** require disclosure of survivor information outside victim services
 - That is not a statutory mandate



Title IX & VAWA Intersection

- Title IX allows campuses to provide:
 - Confidential services
 - To victims of sexual violence & harassment

[full text of April 2014 FAQ's on Title IX and Sexual Violence](#)



Clery Protects Identifying Information

- Clery does NOT require personnel that are not Campus Security Authorities to report criminal activity.
- “Campus Security Authorities” are:
 - Campus Police
 - Non-police responsible for security
 - Persons designated to take reports of crimes
 - Persons with significant responsibility for student & campus activities



Clery Protects Identifying Information

- Clery crime statistic reporting may not include victim identifying information
- 34 CFR 668.46(c)(5)



Enforce a Confidentiality Circle

Inside the Circle

Survivor chooses to share information with staff of specific service office

Outsiders

- Other Departments
- Title IX Coordinator
- Police & CSA's
- People supporting survivor



SWOT Analysis

- **Strengths** – support for your confidentiality circle?
- **Weaknesses** – threats to your confidentiality circle?
- **Opportunities** to improve survivor privacy?
- **Threats** to protection of survivor privacy?



Clarity in School Communities

- What conversations need to be had locally to improve survivor control over information?
- What are the current local barriers to improving survivor control over information?



Protecting Survivor Choice

- Survivor *decides*
 - who knows
 - personal information.
- Confidential Provider *protects*
 - Survivor's right
 - to decide who knows personal information.



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Questions? More Assistance?

- Complete Request for Follow-Up Technical Assistance
- Ask questions later:
 - safetynet@nnedv.org
 - alicia@confidentialityinstitute.org
- Review resources in Technology & Confidentiality Toolkit:
 - tools.nnedv.org



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Thank you!

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