

Service Standards for ICDVVA Funded Programs

CONFIDENTIALITY

Confidential information includes any written, electronic or verbal information and communication between a person seeking or receiving services and any program staff, volunteer, or board member in the course of that relationship; any records, written or electronic, which identify a person to whom services have been or are currently being provided; and any information about services provided to any individual and/or family are confidential.

SERVICE STANDARDS FOR CONFIDENTIALITY

1. The standards for confidentiality policies developed by programs and in place must be in accordance with confidentiality requirements of State law, contracts for funding with State and/or Federal agencies, and Federal law and regulations.
2. A program must have policies and procedures which serve to ensure that the confidentiality of any information that may identify individuals seeking or receiving services is not breached. These policies should include, but are not limited to: interagency communications, storage and access to records and services documentation, information systems and computers containing identifying personal information. Information contained in an individual's service record or other verbal, electronic, or written communications that identify individuals served by the program are confidential.
3. Programs that receive State or Federal funds must have policies and procedures in place that maintain compliance with the confidentiality requirements at the Federal level. These include the following specific provisions to:
 - a. Protect the confidentiality and privacy of all individuals seeking services. No individual client information can be revealed without the informed written, reasonable time-limited consent of the person about whom information is being sought. This provision includes the release of information specific to medical and substance abuse confidentiality laws and limited release of information to 911 emergency services when life is at risk;
 - b. Maintain the confidentiality of minors who are receiving services. Federal law prohibits mental health records of individuals over the age of 14 from being disclosed to anyone, including parent or guardian, without the written consent of the individual;
 - c. Maintain the confidentiality of information that can be released to the parent or guardian of a minor, to the legal guardian of a person with a disability, or

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- pursuant to statutory or court mandate. Federal law provides that consent for release may not be given by the abuser of the minor, the abuser of the other parent of the minor, or the abuser of a person with a disability;
- d. Prohibits the disclosure of personally identifying victim information to any third party shared data system, including “HMIS” or the homeless management information system. Personally identifying information includes, but is not limited to: first and last name, a home or other physical address, contact information, a social security number, date of birth, racial or ethnic background, or religious or any other information that would serve to identify any individual; and
 - e. If confidentiality cannot be guaranteed (e.g., services are being offered by an individual employed by law enforcement or a prosecutor’s office), the individual providing services will notify the service recipient of limitations on maintaining confidentiality at the onset of service provision.
4. A program must have policies to ensure all consent for release of information forms are signed in writing by the person or their legal guardian about whom information is to be released, or in the case of minors by their parent/guardian, and must be signed by a witness when applicable. Forms shall be available in regularly encountered languages other than English. Clients, whose primary language is neither English nor a regularly encountered language, will be provided interpreter services to assist with the completion of the release of information form and must specifically include:
- a. The specific information to be released;
 - b. The purpose of the release of information;
 - c. The person and/or entity to which the information is to be released;
 - d. Signatures of person giving consent and person witnessing the signature as well as the date on which the form was signed;
 - e. The date at which the consent for release of information terminates;
 - f. Language that clearly indicates that the consent for release of information may be revoked at any time;
 - g. Covered entities under HIPPA (Health Insurance Portability and Privacy Act) must ensure release is in compliance with Federal Privacy laws; and
 - h. If releasing information about drug or alcohol use, the release must be in compliance with Federal Drug and Alcohol Regulation 42 CFR Part 2.
5. Policies must also address how program staff, volunteers and Board of Directors will respond to summonses, subpoenas or court orders for confidential information, and should, whenever possible, provide specific detail allowing for service of these court orders at a location other than that of the program.

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6. A program must ensure that members of the Board of Directors, staff, and volunteers sign a written statement agreeing to maintain the confidentiality of all information and records pertaining to those receiving or seeking services through the program and shelter facilities, in accordance with confidentiality requirements of State law, contracts for funding with State and/or Federal agencies, and Federal law and regulations. The confidentiality agreement should outline that it applies even after the signee has terminated his or her relationship with the program.
7. A program must maintain all records which contain personally identifying information in a secure, locked storage area. Organizations should have policies and safeguards in place to prevent unauthorized access to information identifying individuals seeking or receiving services, including all information systems and computer-accessible records or documents.
8. A program must have policies that allow review and access to records only by staff, volunteers and funders as necessary to provide or supervise services, perform grant or audit reporting duties, or to respond to court orders, Programs should identify in their confidentiality policies who will have access to confidential information, records and information systems.
9. Service recipients must be informed of their rights to inspect their personal records and/or files, request changes or additions to the content of those records, submit rebuttal data or memoranda of their files, and/or file objections if they disagree with content of record or file. Programs must have written policies and procedures regarding these rights and how they are enforced. Similarly, if a service recipient signs a valid release of information, that information must be released pursuant to the written request.
10. Programs must discuss the requirement of maintaining confidentiality and obtain a signed confidentiality statement from all service recipients.
11. Electronic records of services provided, when used, must be kept confidential and maintained to ensure that records are accessible only to those listed above, and to ensure that the records are properly destroyed or purged when no longer needed, per record retention and disposal policy.
12. Programs must have a policy addressing record retention that includes how long specific forms are kept, and the proper destruction of paper files and electronic files, while safeguarding confidential information. Program administrators should

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take into consideration the needs of the program and the requirements of funders when setting the length of time documents are to be kept.