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WHAT IS CONFIDENTIALITY?

WHY IS IT IMPORTANT?

Confidentiality is an ethical responsibility to respect an individual's right to control personal information and access to it. Everyone in education has a professional and legal responsibility to safeguard the confidentiality of students and their families.

Confidentiality is very important in establishing and maintaining relationships. It is important that everyone in education is aware of the rights of individuals to privacy and respects the confidential nature of information concerning students. This discussion provides basic guidelines for legal and ethical behaviors within the context of the school environment regarding student confidentiality.

What is confidentiality? Simply stated, confidentiality is the obligation to not disclose private information without appropriate permission.

What information is considered confidential? Confidential information includes private or "personally identifiable information" such as the student's name, names of the student's family, address, social security number, or any personal characteristics or other information that would make the student's identity easily traceable. Particular attention should be paid to information regarding physical, mental, or emotional abuse; family problems; substance abuse; criminal behavior; sexual activity; or suicidal thoughts or acts.

Why is protecting confidentiality important? Protecting the confidentiality of an individual is a constitutional right that is rooted in the 14th Amendment. We maintain confidentiality out of respect for the individual and the individual's right to privacy. We respect the relationship in which personal information is shared. It may be necessary to protect the confidentiality of a student in order to ensure personal safety, as in the case of child abuse or domestic violence. Protecting the confidentiality of an individual also assures personal privacy. It safeguards against the disclosure of information that may be embarrassing or may cause discrimination against the individual or family. It ensures

protection against prejudicial treatment by administration, teachers, other staff members, and peers.

Assuring confidentiality protection builds trust between students and families and school professionals. This trust helps to promote participation in programs such as mental health or Special Education programs, which are designed to help students become more successful.

There are certain circumstances that warrant particular sensitivity with regard to maintaining confidentiality. These include situations involving a person's HIV status, mental health history, suicide information, substance abuse, criminal behavior, or sexual activity. Family problems, especially charges of child abuse, domestic violence, and immigration status also warrant vigilant maintenance of confidentiality. Confidentiality pertaining to an individual's Special Education history is another particularly sensitive topic, which is carefully addressed under federal and state laws and regulations.

Each member of the school staff, including volunteers, is required to participate in confidentiality training each year. At that time, information regarding the importance of confidentiality and proper maintenance of Special Education records is disseminated. In order to make responsible decisions about the disclosure of confidential information, school personnel must be aware of the law; therefore, the Family Educational Rights and Privacy Act, the Protection of Pupil Rights Amendment, and Special Education information is discussed.