

## Release of Information (ROI) Guidelines

- A Release of Information form or ROI is the most common means of sharing information about a client between agencies and helping professionals.
- ROIs generally last only for a one year period. In some instances a client may choose to allow their information to be shared for a period of a lesser duration, such as three or six months. Once the specified time has elapsed the ROI is no longer valid and the agency or organization must have an updated signed and dated ROI form from the client in order to continue sharing the client's info with other agencies.
- ROIs may only authorize an agency to share very specific information about the client and not every detail of their lives that they have shared with a professional. For example if a client signs an ROI allowing his case worker to talk with his pastor about his relationship with his kids, it would not be appropriate for the case worker to also share with the pastor that the client was thinking of attending a new church.
- Ask the following questions when deciding to share confidential information: "Why is it important that this information be shared?" "How will the client benefit by a decision to share or not share information?" "Does sharing the confidential information outweigh maintaining confidentiality?" "What will be the effect on the client's life?"
- A client may revoke or terminate their consent for the sharing of information at any time.
- When the person is legally incompetent, because of age or disability for example, the parent or guardian may sign
- Discuss limits of confidentiality with clients at the onset of services.

## Required Contents of a Release Form

*(Excerpt from Soler and Peters, The School Services Sourcebook, 1993)*

Any release of personal information should be in writing. It should contain the following:

- The name of the person who is the subject of information.
- The name of the person, program, or agency sharing the information.
- The name of the person, program, or agency with whom the information will be shared.
- The reasons for sharing the information.
- The kind of information that will be shared.
- The signature of the person who is the subject of the information.
- The date the release is signed.
- A statement that the release can be revoked any time by the subject of the information.
- An expiration date for the release or a specific event (such as the end of the school year) that will terminate the release.
- A notice stating that the subject of information has a right to receive a copy of the release.

## Mandated Reporting

Most individuals in the helping professions, including but not limited to pastors, teachers, health care workers, and human services workers are mandated reporters of issues of abuse and neglect involving children, elderly persons, and disabled adults. If you feel that a client has disclosed information to you that may be considered an issue of abuse or neglect you have a moral and legal duty to report this. You do not need a Release of Information to report these issues and you will not be identified as the reporter.

*Reports of abuse and neglect can be made by calling the Weld County Department of Human Services screening number: 970-352-1551 x6211.*

*If you feel that someone is in immediate danger take appropriate action and call 911 and report the incident to the police department.*

# Understanding Best Practices in Client Confidentiality



*(Parts excerpt from: Confidentiality and School Social Work: A Practice Perspective - (Practice update from the National Association of Social Workers)*

# Confidentiality

## Basic principles:

Confidentiality is based on four basic principles:

1. Respect for an individual's right to privacy.
2. Respect for human relationships in which personal information is shared.
3. Appreciation of the importance of confidentiality to both individuals and society.
4. Expectations that those who pledge to safeguard confidential information will do so.



- Confidential information in its broadest form is any information given in confidence to a helping professional. Confidential information may include, but is not restricted to, disclosures of physical, mental or emotional abuse; family problems; substance abuse; criminal behavior; sexual activity; or suicidal thinking.
- A helping professional respects the confidential nature of information concerning clients and may give the information only to authorized personnel or agencies directly concerned with the clients' welfare. In most instances a Release of Information form signed by the client must accompany this request.
- In certain instances the withholding of this information may pose a threat to that individual or another person's welfare or wellbeing. In cases where the helping professional is a mandated reporter for these issues the need for protecting those individuals may supersede the clients' right to privacy.
- Protocols and policies regarding sharing of information and forms utilized to do so may differ within each agency or organization.

(Parts excerpt from *Understanding Confidentiality*. - The Manitoba Teachers' Society)

# Why is Confidentiality Important?

When determining eligibility for certain services and providing needed and appropriate resources, human service agencies, non profit organizations, and health care providers often require that clients share very private information about themselves. Laws and statutes are in place to protect the privacy of these individuals and to ensure that this information is released only when necessary. Soler and Peters (1993) outline several reasons for protecting the privacy of clients:

- "Confidentiality restrictions *protect embarrassing personal information from disclosure*. This information may include histories of emotional instability, marital conflicts, medical problems, physical or sexual abuse, alcoholism, drug use, limited education, or erratic employment.
- Confidentiality provisions also *prevent the improper dissemination of information about children and families that might increase the likelihood of discrimination against them*. Such information--about HIV status, mental health history, use of illegal drugs, or charges of child abuse--can be harmful if released. Harm can occur even if records show that the information is unproven or inaccurate.
- Protecting confidential information can be necessary to *protect personal security*. For example, in a domestic violence situation, an abused woman who leaves home may be in great danger if law enforcement personnel disclose her new location.
- Confidentiality provisions also *protect family security*. Many immigrant families, for example, shy away from using public health clinics or other social services for fear that the Immigration and Naturalization Service (INS) will take action against them.
- Restricting the information that human service agencies receive may also *protect job security*. Some information--such as a history of mental health treatment--may have no connection with a person's actual job performance but could jeopardize the individual's position, likelihood of promotion, or ability to find new positions.

- Children and families also want to *avoid prejudice or differential treatment* by people such as teachers, school administrators, and service providers. Teachers may lower their expectations for the children they know are eligible for food stamps or free school lunches. This may set in motion a self-fulfilling prophecy in which lowered expectations lead to lowered performance.
- Confidentiality provisions also may be necessary to *encourage individuals to make use of services designed to help them*. Adolescents may avoid seeking mental health services at a school-based clinic, for example, if they believe that information will get back to their teachers, parents, or peers. The same holds for birth control or HIV-related medical consultations."



(Excerpt from <http://www.ncrel.org/sdrs/areas/issues/envrnmnt/css/cs3lk2.htm>), adopted from Soler, M. & Peters, C. (1993). *Who should know what? Confidentiality and information sharing in service integration*.

## Limits of Confidentiality

### Duty to Warn

Court cases have held that when an individual indicates the intention of doing something harmful, dangerous, or criminal to self or others, it is the professional's duty to warn appropriate parties. This includes:

- The family of an individual who intends to harm her or himself
- Others the individual actions may harm
- Appropriate authorities and emergency responders