

The Salvation Army
Policy and Guidelines on Confidentiality and the Protection of Personal Privacy

POLICY

People seek help from Salvation Army program units when they have special needs which may range from fairly simple to painfully difficult. Their need for service and the help that can be given is determined through sharing factual and personal information. For this to be effective, there must be trust that the program unit will hold the shared information confidential.

Therefore, the commitment to confidentiality extends to all Salvation Army officers, employees, and volunteers. It includes the knowledge that a person is or has been a recipient of service. The Salvation Army will consider carefully matters of confidentiality as they obtain within the particular setting and commit itself to the highest level of agency practice within a given community.

The presumption of confidentiality applies to The Salvation Army unit as a whole, not only to an individual staff person, since client information is normally shared internally for legitimate purposes of training, supervision, records accountability, and expanded client service.

Principles of confidentiality and how these are carried forward in the program unit will be part of the orientation of each new employee, advisory organization member, and other volunteers. As a general principle, no information about individuals receiving Salvation Army services will be disclosed outside of the organization except when informed written consent has been obtained from the service recipient. National Salvation Army guidelines, which are received and updated periodically regarding particular confidentiality issues, should be available to all staff.

Individual program units will assume responsibility for being fully aware of and responsive to the requirements pertaining to confidentiality that impact upon them as a result of contractual commitments, the requirements of law specific to the program, the demands of standard-setting bodies, as well as Salvation Army standards for the particular program.

Original Approval by the May 1981 Commissioners' Conference

Latest Revision Approved by the May 2000 Commissioners' Conference (pp. 524-526)

GUIDELINES

The following guidelines are issued in connection with The Salvation Army Policy Statement on Confidentiality and the Protection of Personal Privacy.

1. Fact of Participation

The fact that an individual is or has been a participant in a Salvation Army social service or community service program should not be disclosed outside The Salvation Army unit, except as may be specifically defined in the national standards in effect for the particular kind of program. This restraint will not apply to public meetings or programs in which participants take part as "members," e.g., troop activities, community center programs, and boys' clubs.

Inquiries by visit, telephone or letter regarding a participant in a Salvation Army residential program should be answered with the statement that information as to whether a particular individual is or has been in residence cannot be divulged; that, if in fact the individual is in residence, he/she will be advised of the inquiry, and that, at his/her discretion, the client will or will not communicate with the inquirer.

2. Disclosure to Other Organizations

Disclosure of limited client information to other social service agencies, for the purpose of a referral to or from The Salvation Army, generally would be permitted if a determination is made that the disclosure is in the interest of the client.

Before client records can be disclosed to individuals or agencies outside of The Salvation Army, the written consent of the client must be obtained. The consent should be in writing and should identify the information to be disclosed, the person or agency to whom it will be disclosed, the purpose of the disclosure, and the date upon which the client's consent expires. Use of the Authorization for Release of Information form is recommended for this purpose. The form may be found in the resource, *"Basic Social Services -- A Primer of Policies, Standards, and Procedures."*

On the other hand, information is to be withheld where The Salvation Army is required by law (as in alcohol and drug programs regulated or funded by a federal agency or in child care or health care facilities, which disclosure is prohibited by state regulations) and/or where by contract The Salvation Army has agreed to maintain the confidentiality of client records.

Disclosure of information relating to program participants should not be made to employers, credit agencies, unions, or other similar organizations, except under terms and conditions contractually defined where employment is an integral part of the program (e.g., contracts with federal or state correctional authorities for early release programs), or at the request, and with the consent of the participant.

If there is doubt about whether client information should be disclosed, local legal counsel should be obtained and the appropriate Salvation Army administrative headquarters should be consulted before the information is disclosed.

3. Clearing House

Whereas, as a general rule, there is no objection to participation by The Salvation Army in clearing houses, there are any number of situations in which such disclosure is prohibited by contract or regulation or where disclosure of the information could damage the client. Because of the varied and fluctuating makeup of the usual Army case load, written consent of the client should be included in the clearing house procedure. The information provided to the clearing house should be limited to that which is necessary for the clearing house to perform its basic function. The clearing house should provide some written statement (e.g., agreement or policy statement) that the clearing house will limit the further disclosure of such information.

Where clearing house information is shared electronically by several agencies through computer access, the clearing house should have written agreements from each participating agency limiting computer access to appropriate staff at each agency.

4. Information to the Client

In some situations The Salvation Army may be required by state or municipal law to disclose to the participant information contained in his/her own case record. Information disclosed should be limited to that which is included in the formally completed and approved case record. The formal case record should contain factual information, not informal counselor notes and/or casual observations. Information provided by other agencies should not be shared, as it is not the property or responsibility of The Salvation Army.

5. Law Enforcement Personnel

Except where a crime has been committed at a Salvation Army institution, disclosure to law enforcement agencies, whether local or state police, district attorney or the FBI, of the participation by an individual in a Salvation Army program, or of information contained in record, should be refused.

Whether served by an attorney in a civil action or at the instance of a governmental agency, a subpoena served on The Salvation Army for information regarding a participant should be resisted. It is noted that a subpoena is not the same as a court order. Specifically, local legal counsel should be retained to appear in court to move to quash the subpoena, thus compelling the person seeking disclosure of the information to show the court good cause for such disclosure, in order to request a court order. In any case, before any action is taken, the local Salvation Army operation should contact its immediate administrative headquarters.

Since an arrest warrant or a search warrant is a court order which has been issued by a court after a showing of probable cause, if such a warrant is presented to a Salvation Army facility

relating to a client in residence, The Salvation Army facility should cooperate with the law enforcement agency in making the arrest or the search, preferably in a manner which will involve the least disruption of the program at the facility.

Because law enforcement personnel are precluded from conducting a search of a residence without an arrest or search warrant, and because a criminal summons does not constitute a warrant, The Salvation Army should not produce a participant or otherwise cooperate with law enforcement personnel seeking to serve a criminal summons on a resident at a Salvation Army institution. Law enforcement personnel should be advised that they will be required to produce a valid arrest or search warrant before The Salvation Army will cooperate with them, whether in making the arrest or the search, on the terms set forth in the prior paragraph. (This paragraph added per NLC's letter of August 17, 2001)

6. Release of Records Under Court Order

The Salvation Army is the owner and controller of all client records. No records may be removed from Salvation Army premises or transmitted to other parties without specific written approval by The Salvation Army officer in charge or the executive director, in consultation with local legal counsel.

In the event that Salvation Army client records are required by order of a court of competent jurisdiction, when good cause for such disclosure has been determined by the court, the records which have been subpoenaed by the court shall be delivered to the court, on the date requested, only by The Salvation Army officer in charge or the executive director or other staff as designated in writing.

If the court requires a review of a client record, The Salvation Army representative shall bring (not send) the record to the court, and request that the court review such record in closed chambers and admit only the minimum portion of such record which is relevant to the proceedings under consideration.

7. Limitations of Court Testimony

No Salvation Army personnel shall testify concerning areas of a client's life for which they are not fully educated and licensed to make appropriate professional assessments.

8. Child Abuse

Notwithstanding any other provisions of these guidelines, Salvation Army facilities will comply with all state and municipal laws requiring reporting to governmental agencies of instances of child abuse. Failure to comply with such laws can result in criminal sanctions.

Original Approval by the May 1984 Commissioners' Conference