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POLICY: CONFIDENTIALITY POLICY

PERFORMANCE OBJECTIVE: Families have the right to protection of personal information in their relationship with Head Start/Early Head Start during and following the process of obtaining services.

1. DCEA HS/EHS will collect all information that is relevant and necessary to accomplish the goals of HS/EHS families. Parents will be used as the primary source of information about themselves; and the information sought from the family will be limited to that which is essential for services.
2. Parents and other volunteers are prohibited from viewing records other than those of their own children.
3. Family information will be available to HS/EHS employees with the understanding that they will respect the right of privacy for each parent and child.
4. Employees will not reveal any information they may have access to that would breach this confidentiality policy or procedure and infringe on the right to privacy of the parent, volunteer, or child.
5. Files containing confidential information on children and/or staff will be locked when not in use; access to the file keys will be closely monitored.
6. Children's health, education, disability, and social services records will be open only to HS/EHS staff and special consultants on a "need to know" basis (to the extent necessary to provide services). Appropriate Managers will view records periodically in relation to their component area. A "Review of Record Form" must be completed and signed before access to records may be granted to a staff person not directly associated with that component area.
7. Written permission must be obtained from the parent /guardian before releasing any information regarding a HS/EHS child/family. (Please refer to Procedure VII A for incidences where permission is not needed).
8. When a family expresses a need or a concern, other agencies and individuals should be consulted only with the family's consent and within the limits of that consent.
9. Any verbal or telephone requests from someone not associated with HS/EHS for personal information concerning a child, parent, or employee should be referred to the appropriate person at Central Office. This will help to avoid accidentally releasing confidential information to an unauthorized person.
10. Any information received in confidence that could lead to a person being harmed must be brought to the attention of Central Office.

11. DCEA HS/EHS will impress upon parents and staff the importance of confidentiality and work together to maintain confidentiality.

Breach of Confidentiality

Any violation of the confidentiality policy is subject under law as a criminal offense with the following actions possible:

- A. Job dismissal for failure to follow the agency's regulations or professional standards.
- B. Conviction of a misdemeanor for violating certain confidentiality laws.
- C. The client can sue the employee who divulges information wrongly.
- D. Lawsuit for damages or for the invasion of privacy.

PROCEDURE:

I. Rights, Risks and Responsibilities of the Helper

A. **The Family:** The integrity and privacy of a family cannot be invaded except in very extenuating circumstances. A family must not be imposed upon to behave in a particular way, to rear children in a particular way or to be or not to be anything not of their own choosing, except in very unusual situations. In most instances, the helper has a right to enter the family's territory only with the consent of the family. Once the helper has become involved, he must accept risks and responsibilities to himself and to the family.

B. The Helper and Your Rights:

- 1. **You have a right to observe a family.** You can know where a family lives, see them interact at meetings and know about the size of the family. Neither invasion of privacy nor meddling should be confused with the right to observe public behavior. Each family has a public and private life. Your rights are to the public information of a family based on what you observe.
- 2. **You have a right to try to establish a relationship.** If your work is with families, part of your job description is to establish relationships with those you serve. As an individual, you also have a right to offer to others the opportunity to build a relationship with you. They may not want to become involved and reject your offer. They may even resent you for being presumptuous or bold. If so, it is their choice and you are bound to respect them, but you do have a right to offer to build a relationship with the family.
- 3. **You have a right to express genuine, honest, respectful interest.**
- 4. **You have a right to offer help to a family.** When you are aware of a family's needs, based on observations of their behavior or your relationship with them, you have a right to offer to help them in any

way you can. These rights, of course, must be done in an honest, respectful way.

II. **Maintaining the Records**

- A. Only information that is relevant and necessary to accomplish the goals of HS/EHS should be placed in the records. This information should not contain value judgments or assumptions, but should contain only observable behavior or information obtained from the parent or agencies that have direct knowledge of the family. When writing observations always consider the following:
 - 1. Does the "wording" reflect factual information or information that is judgmental?
 - 2. Would the family have adverse reactions if they were to read the information?
 - 3. Keep within known and observable facts, stay away from assumptions.
- B. In keeping documentation on a child and/or family activities, please keep in mind that a monitor (e.g.-Manager) only knows what you are doing by the system you have written down and how well you document.
- C. All records will be kept in locked cabinets and will be spot checked by appropriate Managers.
- D. In the event that records need to be transported from the Center, F.A. Office or Central Office, all records will be maintained in secure, locking file boxes/bags designated specifically for the secure transfer of records.

III. **Access to Records within the Agency:** Limited Access - those who may review the records are limited to persons working directly with the child and family.

A. **Teachers Records**

- 1. Teacher is responsible for child's records and will only allow an individual to view those records when the need is justified.
- 2. HS/EHS Education Manager, EHS Area Manager (EHS only), and HS/EHS Director have access to education records.
- 3. When access is warranted by those staff not directly related with HS/EHS educational duties, the "Reviewing Record Form" must be signed.

B. **Social Service and Health Records**

- 1. The FAs are responsible for child and family records and will only allow an individual to view those records when the need is justified by DCEA HS/EHS policy.

2. HS/EHS Family Community Partnership Manager, Health Manager, Director and Area Manager have access to social service and health records.
3. When access is warranted by those staff not directly related with social service and health service duties, the "Review Record Form" must be signed.

IV. **Access to Records Outside HS/EHS Agency**

1. Anyone requesting access to a record outside the agency must be approved by the Director. If approved, the individual must sign the "Reviewing Record Form" (ex.: licensing evaluation).
2. **Note:** HS/EHS records are for HS/EHS use only and will not be shared with anyone outside the program without written consent from the parent. Specific records may be shared within the agency to persons unrelated to the specific delivery of services.

V. **Accountability of Disclosure**

- The HS/EHS employee will keep in confidence information that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law. Sometimes it is necessary to share information in our records. It is important this is done properly to insure the family's right to confidentiality.
 1. Decide if sharing the information requires parental permission.
 2. Be aware of whom you are discussing the information with, or who might overhear.
 3. Does the information require identifiers to be discussed such as the child/family name, address, etc.? Identifiable information is defined as that possible to identify the family or child with reasonable certainty. This includes any information that contains the following: the child's name, address, telephone number, or any other data that can readily identify a child or family.
 4. General information, which is non-specific, unidentifiable, does not include name, address, or other identifying information, may be released without written consent (ex.: number of children with disabilities, compiled family data, and number of children by age).
 5. When it is appropriate to share confidential information concerning a HS/EHS child/family, an accurate account of the discussion must be kept. Account must include:
 - Parent Permission
 - Date, nature and purpose of disclosure
 - Person or agency to whom the disclosure is being made

Note: The greatest break in confidentiality occurs between HS/EHS colleagues. Informal conversations, talking in front of outsiders,

visitors, and other staff can be a violation of confidentiality and privacy of the HS/EHS family. You need to be conscious of loose talk—where, when, and in front of whom you discuss HS/EHS families.

VI. Confidentiality of Student Records: Parent Rights

- A. Parents are governed by the Right to Privacy, which means the right to have the facts of one's private life kept a secret by those with whom one shares the facts.
- B. Protect, ensure, and enforce the parent's rights to have access to their child's student records.
 - 1. Records may be viewed by the parents of a child at any time.
 - 2. If the parent wishes to have a copy of certain records, then a request needs to be written and turned in to the F.A. or the child's Teacher. Once the request is received, copies of the child's records will be sent to the parent within seven (7) working days.
 - 3. The parent has the right to amend their child's student records if they believe them to be inaccurate, misleading, or a violation of privacy.

VII. Written Permission to Release Information

- A. Written permission must be obtained from the parent/guardian before releasing any information regarding a HS/EHS child/family when it actually identifies the child's name, address, or any other identifying information. Parent Permission is not needed in such incidences as:
 - 1. HS/EHS staff or consultants directly involved with the child/family.
 - 2. State and local officials who need the information for official reports.
 - 3. Courts with a judicial order or subpoena.
 - 4. Officials involved in the health and safety of child when the HS/EHS child's health and safety is threatened. Consider these factors when sharing this information:
 - The seriousness of the threat.
 - The information needed.
 - Will the agency person be able to take some sort of protective action?
 - The amount of time a referral will take.
- B. Written Permission must include:
 - 1. What specific information is needed, or what specific information is being shared?
 - 2. Why is this information important to the child's involvement with HS/EHS?
 - 3. Who is requesting the information and to whom will the information go?

4. Time frame specifically noted for how long the permission will be in effect.
 5. The purpose of the information in regard to HS/EHS or the agency requesting the information.
- C. Informed Consent - Written permission must also involve the parent being fully informed of all action regarding the permission. When obtaining a Parent Permission to Release Records be sure the parent has full knowledge of the following:
1. What you are doing and why.
 2. Who is doing it.
 3. How the information will be used?
 4. The consequences of giving permission.
 5. The consequences of not giving permission.
 6. The parent has the right to revoke the signed permission at any time the permission is in effect.

Note: Records to other agencies, school systems, and service providers cannot be released automatically. You must have parent consent to release anything. When the information was given to you, it was with the understanding that it was for HS/EHS purposes and was given in confidence with that expectation of confidentiality.

- D. When permission is given to obtain records from an outside agency for HS/EHS purposes be sure the parent also receives a copy of the released materials.
- E. When information is released to an outside agency by HS/EHS with signed consent, be sure the parent also receives a copy of the information being released.
- F. Any action of sharing confidential material must be properly documented.

VIII. Computerized Information

- A. Parent permission will be obtained at the time of the application to ensure that parents are aware that their child/family HS/EHS information will be kept in a computer system.
- B. Computerized information falls under the same criteria of confidentiality as written information kept in the child's folder.
- C. Limited access applies and HS/EHS staff should view only the material that is directly within their concern of the child's attendance within HS/EHS.

IX. Sharing Information Verbally

- A. What information: No information regarding a HS/EHS child or parent may be verbally shared with anyone other than those HS/EHS employees directly involved with the family and only where said information is

necessary for appropriate service provision, without prior written parent permission.

- B. Where to share information: Verbal information regarding a child/family shared with other staff members should be done in confidential quarters - never in the presence of the child, other children or parents, non HS/EHS persons, or HS/EHS persons not directly involved with the child. Example: The natural or name of a handicapping condition in most cases is not necessary for adequate service provision.

X. Verbal Request of Information

- HS/EHS employees may not verbally request information from members of the community or HS/EHS parents, about a child/family without prior approval from the Central Office. Information requested should be for a specific reason and appropriate to the needs of the family. Example: Bus driver notices father has not been in the home during the past two weeks sees family's neighbor in grocery store and asks neighbor if parents have separated.

XI. Foster Care

- A. Foster children are considered to be a ward of the state, not the foster family.
- B. The child's social worker will be asked to sign all forms for HS/EHS enrollment and all release of information forms unless the Social Worker appoints the Foster parent to do so.
- C. Foster parents do not have the right to view student records or participate in discussions of confidential information about the foster child without direct permission of the state appointed social worker.

XII. Component Coordination

A. Central Office to Central Office

1. It must be the intent of each Central Office Manager to work efficiently within their own component area and cooperatively with other component areas so that a total program approach is accomplished in serving HS/EHS families.
2. Each Central Office Manager must respect the efficiency of another Manager by keeping them informed of observations made in the field within another's component area. Confidentiality will be maintained within those component areas of concerns.

B. Field Staff to Field Staff

1. It must be the intent of each Field Staff employee to work efficiently within their own job responsibilities and cooperatively with other Field Staff so that a total approach is accomplished in serving HS/EHS families.

2. Each Field Staff employee must respect the efficiency of other Field Staff employees by keeping them informed of activities which arise within their center and/or county that affects the program operation of that center and/or county. Appropriate Field Staff employees should be notified and confidentiality maintained with those employees directly involved in the activities that arise.

C. Central Office to Field Staff

1. It must be the intent of each Central Office Manager to provide instruction and support to Field Staff within their component area as well as directing Field Staff outside their component area to the appropriate Manager to assure cooperative services to HS/EHS families.
2. Confidentiality must be maintained by Central Office Managers when dealing with Field Staff concerns so that information is kept on a professional program level and only the Field Staff involved are consulted.

D. Field Staff to Central Office

1. It must be the intent of each Field Staff employee to provide information concerning the efficient operation of the HS/EHS Program to appropriate Central Office components as the specific operation so designates, this is to assure cooperative services are provided to HS/EHS families.
2. Confidentiality must be maintained by Field Staff employees when dealing with concerns that have to be brought to the attention of Central Office so that information is kept on a professional program level and only the Central Office Managers involved are consulted.

E. HS/EHS Staff to Parents

1. It must be the intent of each HS/EHS staff person to provide information to parents concerning only their own HS/EHS child and program operations that concern their HS/EHS children.
2. Confidentiality must be maintained when in consultation with parents so that all factors are taken into consideration, such as the content of material and the location in which you choose to discuss appropriate information.

F. Parents to Parents

- It must be the intent of each HS/EHS parent to work cooperatively with other HS/EHS parents, to discuss only information concerning their own children, and to keep confidential any observations and/or information they might obtain concerning other HS/EHS children.

G. Parents to HS/EHS Staff

- It must be the intent of each HS/EHS parent to provide information concerning the efficient operation of the HS/EHS Program to HS/EHS staff; this will insure your child of receiving all appropriate services provided to HS/EHS families.

H. HS/EHS Staff to Outside Agencies

1. It must be the intent of each HS/EHS staff person to provide information to outside agencies when the HS/EHS child and/or family is directly involved with that agency, or when making appropriate referral to an outside agency in representation of the HS/EHS child and/or family. The information must be pertaining to the direct services that the outside agency provides.
2. Confidentiality must be maintained when in consultation to outside agencies so that all factors are taken into consideration such as the content of material and the location in which you choose to discuss any information. Information must be of a professional nature and released information must be documented.

I. Outside Agency to HS/EHS Staff

1. It must be the intent of representatives of outside agencies to share information concerning HS/EHS children and/or families only with HS/EHS staff directly involved with the appropriate services to the HS/EHS child and/or family. The information must be pertaining to the direct services that HS/EHS provides.
2. Confidentiality must be maintained when receiving information from outside agencies. The information must remain confidential, on a professional level, and all information must be documented by the HS/EHS staff person being provided the information.

XIII. Policy Council Confidentiality

- A. It is the full intent of representatives to Policy Council to share information discussed at monthly meeting and to keep all center parents informed of the business that has transacted at those meetings.
- B. Confidentiality must be reflected in the sharing of information so as to not damage HS/EHS children/family/or employees.
- C. Information will be specified when it is of a confidential nature, (example: hiring and firing of personnel).

XIV. Personnel Committee

- A. The Personnel Committee will review applications and references during interviews that are of a confidential nature; information that is disclosed during interviewing must not be discussed outside the Committee Meeting.

- B. Personnel decisions will be presented to Policy Council for final approval; only information that is directly related to the Personnel decision itself will be disclosed to Policy Council as a whole.

XV. Breach of Confidentiality

Any violation of the confidentiality policy is subject, under law, to a criminal offense, with the following actions possible:

- A. Job dismissal for failure to follow the agency's regulations or professional standards.
- B. Conviction of a misdemeanor for violating certain confidentiality laws.
- C. The client can sue the employee who divulges information wrongly.
- D. Lawsuit for damages or for the invasion of privacy.

XVI. Use of Children's Photos and Social Web Sites

A. Photographs/Videos/Audios

All pictures taken of Head Start/EHS children are property of the program and fall under the guidelines concerning confidentiality. At no time are these pictures to be distributed or used for websites or brochures unless prior approved by Central Office. In order that we may protect the privacy of Head Start children and their families, parents/visitors are asked to obtain permission from a Head Start teacher prior to taking photos of their children on the bus or during field trip and other outings. Parents/visitors should refrain from taking photos/videos/audios of any child they do not have legal custody of unless given prior approval from the Head Start Teacher. Photos are usually permitted for special occasions or group celebrations. However, in certain situations parents may be asked to refrain from obtaining photos/videos/audios during these ceremonies. Should this become necessary, staff will provide families with a separate location designated specifically for photo taking opportunities. At no time are pictures to be used for any type of personal use or as a part of any form of social network site such as Facebook, MySpace, Twitter, etc.

B. Photo Release

Head Start memories are everlasting. We will capture them in photos annually and throughout various activities at your child's center. These photos will be taken individually and in groups and will be displayed throughout the center. Parents are reminded to complete release forms at the time of enrollment. If given permission on the Parent Agreement Form, the parent agrees for their child to have pictures or videos taken for the purpose of being used in newspaper articles for Head Start publicity, brochures, bulletin boards, program scrapbooks, program websites or visual presentations about the program. Photos are not to be downloaded to any

online developing, printing or sharing websites such as Walmart, Snapfish, Kodak Easy Share, etc. The memory card will be taken to a location used in each county to have pictures developed. A photo CD may be purchased at the time of developing. This CD may be used to create end of year projects or send photos to Central Office Staff for program use. Pictures may be uploaded to email Central Office Staff and should be deleted immediately from the computer. No pictures of Head Start children should be saved on agency computers. Pictures are not to be downloaded from the memory card to personal home computers and pictures are not to be taken with cell phones. Individual photos may be sent home with the child. All other photos are to remain on Head Start property. After close-out, pictures are to be stored in locked filing cabinets or shredded.

C. Media in the Classroom

With parent consent, Head Start staff may take pictures, videos, tapes, and sound recordings of children and families participating in Head Start activities. Staff may use the media for trainings, workshops, presentations for the community and for programs for public education such as radio and newspaper. If at any time, the teacher wishes to share individual photos/videos/audios with other parents, families, or community outside of the DCEA Head Start/ Early Head Start program (such as end of the year scrapbooks, classroom video memories, etc.) legal guardians should be given the opportunity to sign specific release forms giving consent or denial.

D. Children and families fall under the Confidentiality Policy at all times therefore, Head Start/EHS related issues, client information or co-workers are not to be discussed or “vented” on social web sites at any time.