

Appendix 3.18

Confidentiality of Survivor Information Guidance for Contractors

Privacy and confidentiality are paramount to the safety of those fleeing interpersonal violence. Survivors access programs and services with the expectation and assurance that their information will be protected. They retain the right to decide who gets information about them and under what conditions.

State and federal law provide these protections to survivors of domestic violence and sexual assault with some limited exceptions.

Any agency receiving funding under the Violence Against Women Act (VAWA), the Family Violence Prevention and Services Act (FVPSA), or the Victims of Crime Act (VOCA) is prohibited from sharing personal information about anyone receiving services from their program. Minnesota law provides protections as well, though VAWA's provisions are the strongest and most comprehensive. Virtually every program in Minnesota, including JSHP partner organizations, receives funding that places them under its requirements.

Personal information includes first and last name, address or location, social security number, contact information and any other information that could be used to identify the survivor, such as race, ethnicity, age, etc. (42 U.S.C. § 13925 (b)(2)(B)(i)).

The limited exceptions to the prohibition on sharing personal information include:

- A written, informed, signed release by the survivor that includes what information is to be shared and with whom;
- Mandatory reporting laws regarding abuse of children or vulnerable adults; and,
- A specific, valid court order.

Information about a survivor can only be shared if one of these conditions is met.

In the event law enforcement or anyone else requests information about a program participant, the staff person must respond by saying, "Due to federal confidentiality requirements I cannot give you that information." Do not share any information. Notify the program coordinator at the earliest opportunity that someone is seeking information.