

Value 6: Maintaining Privacy and Confidentiality

Context for Practice: Social workers support service users' right to self-determination by obtaining their informed consent or that of persons legally authorized to consent on their behalf for permission to disclose confidential information to concerned parties. Social workers must disclose information when required by law or court order or when necessary to prevent serious, imminent, or foreseeable harm to service users or other members of society. In all instances, social workers disclose the minimum required and pertinent information necessary to achieve the desired purpose.

Guidelines: Social workers support service users' right to self-determination related to the disclosure of confidential information by:

6.4.1 informing service users or their legal representatives of the nature of the information and how it will be disclosed;

6.4.2 informing service users of the risks and benefits of disclosing their information at the earliest opportunity, except when this could bring about or exacerbate serious harm to service users or the public.

6.4.3 notifying service users or legal representatives when access to their records may be officially authorized or required by law without their consent if this does not involve risks to others;

6.4.4 respecting the confidentiality rights of deceased service users by seeking informed consent of a deceased person's legal representative to disclose information;

6.4.5 obtaining assent^[14] from young children before disclosing their information to parents or legal guardians unless judged not to be in their best interest and limiting disclosures to the minimum and pertinent information required;

6.4.6 addressing confidentiality breaches in accordance with the values and principles of the Code, and their provincial or territorial regulatory body;

6.4.7 maintaining identifying service user information in the context of teaching, training, or supervisory purposes or with consultants confidential unless they obtain informed consent and there is a compelling need for disclosure of identifying information.

In addition, when disclosing confidential information related to service users, professional colleagues or others, social workers:

6.4.8 who determine that a person is at risk of harm, self-harm or has intent to harm others, will share this information with relevant parties, including the police where appropriate;

6.4.9 who determine that a child is harmed and may require protection, will disclose that information to the proper authorities as required by law;

6.4.10 will act based on the assessed level and/or imminent or foreseeable risk, prevailing professional standards and practices or applicable legislation or court order;

6.4.11 will limit disclosure of confidential information about a social worker or professional colleague to the minimum and relevant information required by law or disciplinary body.