

# Strictly Confidential: Protecting Survivor Privacy in Federally Funded Programs

American Atlanta Hilton - Atlanta, GA

September 9 & 10, 2019

Day One	
8:00 – 9:00 AM	<b>Registration</b> Pick up name badge and materials
9:00 – 9:15 AM	<b>Opening and Welcome</b> <i>(Erica Olsen)</i>
9:15 – 10:45 AM	<b>Fundamentals &amp; Framework: Understanding Confidentiality &amp; Our Obligations</b> <i>(Corbin Streett &amp; Alicia Aiken)</i>
10: 45 – 11:00 AM	<b>Break</b>
11:00 – 12:15 PM	<b>Fundamentals &amp; Framework: Informed Consent - It's About <u>Way</u> More Than Signed Waivers</b> <i>(Rachel Gibson &amp; Alicia Aiken)</i>
12:15 – 1:45 PM	<b>Lunch</b> (on your own)
1:45 – 3:15 PM	<b>Official Demands for Information: Subpoenas, Warrants, Court Orders, Auditors &amp; Monitors</b> <i>(Erica Olsen &amp; Alicia Aiken)</i>
3:15 – 3:30 PM	<b>Break</b>
3:30 – 5:00 PM	<b>Agency Communication &amp; Technology: What it Means for Confidentiality</b> <i>(Audace Garnett &amp; Rachel Gibson)</i>

## **Fundamentals & Framework: Understanding Confidentiality & Our Obligations**

### **Fundamentals & Framework: Informed Consent - It's About Way More Than Signed Waivers**

The two Fundamentals and Framework sessions will provide attendees with an understanding of federal confidentiality obligations, their connection with survivor-centered advocacy/services, concepts of privacy and empowering survivors to make informed decisions regarding their safety and privacy, and the general intersection with technology that needs to be considered to ensure we are maintaining confidentiality and privacy choices.

### **Official Demands for Information: Subpoenas, Warrants, Court Orders, Auditors & Monitors**

This session will answer frequently asked questions about managing requests from attorneys, law enforcement, social service agencies, court systems, and funders. Although the statutory obligations are clear, the real-life scenarios that emerge when someone demands information or when a release is needed can feel challenging and confusing. We will talk through common questions and scenarios to help attendees navigate the nuances of releases and releasing information.

### **Agency Communication & Technology: What it Means for Confidentiality**

Every professional who works with survivors of abuse uses technology as part of their job. How we use that technology to communicate, collaborate, collect, or store information can greatly impact survivor's confidentiality, privacy, and safety. This session will look at the various ways that we use technology, the policies and practices that can reduce risk of privacy violations, and will explore the importance of encryption and its role in protecting confidential information.

<b>Day Two</b>			
9:00 – 9:05 AM	<b>Welcome Back + Announcements</b> <i>(Erica Olsen)</i>		
9:05 - 10:30 AM	<b>Mandatory Reporting: Confidentiality Still Matters</b> <i>(Alicia Aiken)</i>		
10:30 – 10:45 AM	<b>Move to Workshops - Break</b>		
10:45 – 12:15 PM	<b>Workshops - Choose one of the following:</b>		
	<b>Language Access &amp; Confidentiality</b> <i>(Alicia Aiken &amp; Rosie Hildago)</i>	<b>Community Collaborations &amp; Confidentiality: Managing Partnerships</b> <i>(Sam Tuttle &amp; Erica Olsen)</i>	<b>Intakes &amp; Data Collection Best Practices</b> <i>(Audace Garnett &amp; Corbin Streett)</i>
12:15 – 1:45 PM	<b>Lunch</b> (On your own)		
1:45 – 3:15 PM	<b>Workshops - Choose one of the following:</b>		
	<b>Computer Hacks &amp; Cell Phones &amp; Paper Files - Oh My! Best Practices on Data Breach Response and Notification</b> <i>(Alicia Aiken &amp; Corbin Streett)</i>	<b>Practicing Confidentiality in Emergency Situations</b> <i>(Erica Olsen &amp; Sam Tuttle)</i>	<b>Databases &amp; Confidentiality</b> <i>(Rachel Gibson &amp; Audace Garnett)</i>
3:15 – 3:30 PM	<b>Break</b>		
3:30 – 4:45 PM	<b>Confidentiality Related Advocacy: Diplomacy in Partnerships</b> <i>Confidentiality Institute (Sam Tuttle)</i>		
4:45 - 5:00 PM	<b>Closing</b> <i>(Erica Olsen)</i>		

**Morning Plenary: 9:05 – 10:30 AM**

**Mandatory Reporting: Confidentiality Still Matters**

This session will discuss the complex issues that victim service programs and survivors face related to mandatory reporting and how we ensure we are maintaining confidentiality. We'll also look at the specific impacts such reporting can have on survivors, particularly those from marginalized communities.

**Workshop Sessions: 10:45 AM – 12:15 PM**

**Language Access & Confidentiality**

Victims have a right to access confidential services in their own language. This session will discuss the relevant laws related to confidentiality and language access; the potential privacy and confidentiality complications that can occur; and practical tips for determining if a victim feels safe with an interpreter when you don't speak the same language as the victim. Attendees will walk away feeling confident in their ability to ensure accessibility, access and confidentiality.

**Community Collaborations & Confidentiality: Managing Partnerships**

Navigating confidentiality within our community partnerships can be tricky. Whether you're a part of a monthly task force, co-located and sharing a roof, or just trying to work collaboratively to improve responses to survivors, it's important to consider how your individual roles and confidentiality obligations impact the way your partnerships work. It is possible to have effective collaborations without sharing confidential data that can compromise victim safety and damage trust. This session will explore how we create and maintain effective partnerships while still upholding boundaries and individual obligations.

### **Intakes & Data Collection Best Practices**

Name, date of birth, abuser name, children's names, age of children, address, names of family or friends for emergency contact, phone number, employer name, children's school, history of abuse, last violent incident, abuse in childhood.... The list continues. Victim service providers often collect a significant amount of personal information about survivors and this list of what is collected has surprisingly gotten longer and more invasive. At the same time, we're starting to retain that information in electronic databases and may or may not have retention policies for how it's destroyed. When looking at issues of confidentiality, privacy, and the many vulnerabilities of technology, it becomes clear that we minimize risks when we minimize the amount of data collected in the first place. This session looks at intakes and data collection processes, discussing best practices for prioritizing privacy.

### **Workshop Sessions: 1:45 – 3:15 PM**

#### **Computer Hacks & Cell Phones & Paper Files - Oh My! Best Practices on Data Breach Response & Notification**

When you collect data electronically, experiencing a breach isn't a matter of if – it's a matter of when. Many federal and state funders are starting to require local victim service programs to create policies for responding to such breaches. In this session we will provide an overview of information security best practices to help avoid a breach, review current federal and state guidance related to data breaches, and discuss the unique concerns domestic violence and sexual assault programs should consider.

#### **Practicing Confidentiality in Emergency Situations**

This session will focus on how confidentiality obligations apply to emergency situations, including medical emergencies, when there is a threat of harm, when a shelter must evacuate due to a natural disaster, or when a program must shelter in place due to an outside threat. This will be interactive and will allow time for a thorough discussion among participants.

#### **Databases & Confidentiality**

Many database companies are familiar with the privacy requirements mandated by HIPAA, but are unfamiliar with those mandated by VAWA, FVPSA & VOCA. Victims of domestic violence, sexual violence, and stalking have unique privacy concerns, and the protections these laws provide are much stricter than HIPAA. Any data collection within a local program must be carefully planned, implemented, and evaluated regularly – the safety and privacy of survivors depend upon it. This training will discuss the intersection of the victim privacy laws and provide best practices for both choosing and using a database.

### **Closing Plenary: 3:30 – 4:45 PM**

#### **Confidentiality Related Advocacy: Diplomacy in Partnerships**

Practicing survivor centered privacy can sometimes be easier said than done. It often requires careful diplomacy and advocacy within your community partnerships. In this facilitated conversation we will explore how privacy sometimes causes inter-agency conflict, and strategize around creative solutions for navigating inter-agency relationships with partners who do not understand your confidentiality obligations.