



A Discussion Paper for Social Workers

Confidentiality in the Age of Technology

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This discussion paper has been developed by the Newfoundland and Labrador Association of Social Workers' Professional Issues Committee. The objectives of this committee are to a) identify, examine and analyze issues facing the profession, and b) provide consultation and direction upon request to members regarding professional issues.

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INTRODUCTION

Confidentiality is a cornerstone of professional social work relationships. Social workers are committed to the values of autonomy and self-determination, and believe in the intrinsic worth and dignity of every human being. The social work relationship can be characterized as a fiduciary relationship. It is based on the premise that the confidentiality of information acquired from a client during the professional relationship will be protected and released only under specific circumstances as outlined in the Canadian Association of Social Workers (CASW) Code of Ethics.

As a profession, social workers are avidly aware of the need for accountability to clients, social and health service organizations, and legislation. Given that social workers work with inter-disciplinary teams and in organizations where information must be shared across programs to provide quality client services, this is a significant practice issue.

The widespread use of computerized information technology systems means that social workers have had to incorporate the use of technology into practice and consider the impact upon confidentiality. Advances in technology have provided the opportunity to enhance the efficiency and effectiveness of service delivery, including increased access to client information, efficient transmission and storage of information, increased opportunities to provide education and improved data for research. Questions have been raised however about the impact of technology on confidentiality and privacy, and on relationships with clients.

It is critical that members of the social work profession explore the issues related to confidentiality and privacy within the age of technology, to ensure best practice. Integral to our discussion is an understanding of existing privacy legislation and standards of practice. This discussion paper addresses access to and transmission of client information within this context and is meant to be a launching point for further discussion among members of the profession.

LEGISLATION & REGULATORY POLICIES

Confidentiality, privacy, and access to information in Newfoundland and Labrador are guided by federal and provincial legislation. In addition, social work is regulated by the Social Workers Association Act, and all social workers practice within the guidelines and standards of the Social Work Code of Ethics. These multiple layers of regulation sound complex and complicated. However, they are extremely important in discussions on the use of technology within social work practice.

There are two pieces of federal legislation that are important to consider. The Federal Privacy Act has the mandate to protect the privacy of information and provide a record of access to information held by government institutions. The Personal Information Protection and Electronic Documents Act (PIPEDA) addresses the protection of personal information held by the private sector.

The province of Newfoundland and Labrador has proclaimed new legislation entitled “Access to Information and Protection of Privacy Act” which ensures that provincial public bodies are more accountable to the public. Public bodies are defined in the Act as educational, health and local government agencies and they will be required to develop policies and procedures that comply with legal standards. Social workers have a strong presence in these government systems.

The Newfoundland and Labrador Center for Health Information has developed Privacy, Confidentiality and Access Principles and Standards for use by the Health Information Network in dealing with personal health information. These standards focus upon issues such as accountability, consent, collection, disclosure, access, security, retention and ownership of health information and are consistent with federal and provincial legislation.

The Code of Ethics of the Canadian Association of Social Workers governs all aspects of social work practice including the use of technology. It makes specific reference to electronic and computerized records. Statements regarding informed consent, legislative responsibilities, accessibility and retention of social work records, sharing information within a team and the supervisory relationship and accountability to organizations that employ social workers all provide guidance to practitioners.

TECHNOLOGY AS A MEDIUM FOR SOCIAL WORK PRACTICE

The utilization and impact of technology are issues that have presented challenges since the beginning of social work practice. The first reference to technology in the social work literature was in 1917 when Mary Richmond brought attention to the potential negative impact of the telephone on social work practice. Since that time, members of the profession have come to accept and utilize faxes, voice mail, computers, cellular telephones and email, and to view them as a necessary and routine. Most organizations have now incorporated computerized client records and many others use telehealth and internet systems in their daily activities.

The National Association of Social Workers (NASW) has developed a Policy Statement on Technology which references several of these considerations:

- 1. Social work practitioners, agencies, and programs will increasingly use information technology.*
- 2. Social workers need to understand that new cultural patterns are evolving, based on the consequences of the widespread use of information technology, and as with earlier cultural revolutions, people experience problems because of new cultural patterns.*
- 3. Social workers must improve their practice, contribute a vision of values, and influence social changes as they understand and use evolving forms of information technology.*
- 4. Social work practice must shape and be shaped by exponential growth of information technology. Social work values and ethics must be applied to new*

areas, and new ethical issues are arising as a result of information technology developments. Social work values and ethics must shape the direction, functions and consequences of the use of information technology by the social work profession.

(Social Work Speaks 5th edition, 2000-2003 p. 293)

The NASW policy statement above provides social workers with general guidelines for the use of technology in social work practice. Advances in technology have created new considerations pertaining to confidentiality and changes in social work practice. As health care and social service organizations evolve and incorporate technology, there are increasing challenges to maintaining confidentiality and ensuring appropriate access to client records.

The challenge to maintain confidentiality of client information increases as the need to access by others increases. Likewise, the potential for access to client information increases as the technologies to hold or retain client information advances. These issues will become more challenging as service provision systems restructure further. For example, the proposed Primary Health Care Model promotes inter-professional collaboration, larger interdisciplinary teams and the use of technology to access information. Based on this information, and legislative regulations and policies, the NLASW has developed guidelines for social workers concerning the use of technology.

GUIDELINES FOR SOCIAL WORKERS CONCERNING TECHNOLOGY

Confidentiality and access have been identified as two major issues associated with evolving technology. The following four areas address client autonomy and self determination with respect to controlling information that is gathered and recorded and provides guidelines for social workers:

1) Client Access to Information

Loewenberg, Dolgoff & Harrington (2000) discuss the therapeutic benefit of allowing clients access to information documented about them. These reasons include: a) the opportunity for the client to correct inaccuracies in the data; b) increase trust in the therapeutic relationship; and c) provoke insight and stimulate motivation for change. While agencies own the medium that contains the client information, the information is owned by the client. The client's right to access and correct information about themselves held by public institutions is guaranteed under the new provincial legislation.

The Access to Information and Protection of Privacy Act, speaks to the issue of access to records in different or electronic forms. It states that the head of a public body "shall produce a record" where it can be produced using normal computer hardware and would not unreasonably interfere with the operations of the public body.

There are processes currently in existence that govern social work practice and client access to information. These processes are also important to client access

in the age of technology. Clients will be permitted reasonable access to information documented in electronic files and to correct inaccuracies in the file.

2) Informed Consent

Informed consent is a major component of the therapeutic alliance between a client and social worker. It is important that social workers are explicit in communicating to clients about how their information is recorded, stored, who has access, and for what purpose. This is extremely important as electronic files are developed and access by multi-disciplinary teams increases.

Informed consent is a pre-requisite to the transmission of confidential client information. The medium of technology used in transmission of information should be discussed with the clients as well as the security measures that are in place to protect the information. Inherent in all therapeutic relationships is informing clients of the limits of confidentiality. This may be done through discussion with the client and recorded in the client file or may be standardized in a form, which the client reads, signs and is filed in the client's case record.

Agencies should also have established policies/procedures regarding the use of client information in formalized research projects and educational presentations.

3) Security of data

Social workers can advocate within their agencies for improved security around the retention, transmission and storage of client information and the use of that information in research and education. This will require that education be provided to staff regarding new technological developments and the potential impact on confidentiality.

The agency may implement security measures such as passwords, encryption, and firewalls to prevent breaches of confidentiality as the use of technology evolves. These security measures are in keeping with recommendations from the National Association of Social Workers (NASW). Agencies must acknowledge that the electronic record is an extension of the therapeutic relationship and must be afforded the same protection and respect.

4) Education and awareness

Social workers should be cognizant of the need to maintain confidentiality of client information and provide education to others in their agencies on its importance. It is important that social workers receive education regarding the integrity of information systems. Social workers should advocate for comprehensive policies regarding client confidentiality in their agencies so that they can be clear in explaining protective measures and confidentiality limits to clients. Social workers should take a leadership role in the promotion of appropriate and standardized procedures in the sharing of client information between internal agency departments and other agencies. Confidentiality, informed consent procedures, and documentation standards should be major components of the social work curriculum.

Overall, social workers must be aware of the limitations and risks associated with various technology mediums and their use. For example: the ability of others tuning into calls on analog versus digital telephones; the risk of error in the transmission of information via fax machines; the accessibility of voice mail by others and the risk of call display to confidentiality. Other mediums such as email and video conferencing can be a source of recording client information in addition to a medium for transmission. Internet practice presents many questions regarding confidentiality with respect to limitations when risk behavior is presented as well as who is accessing the information during on-line sessions.

DISCUSSION QUESTIONS

Here are some things you may wish to consider in terms of your own self-reflections and/or discussions with colleagues.

- 1) What are some of the challenges that you see in your own practice in relation to technology and confidentiality?
- 2) What are some of the strategies that you have found effective in reducing these challenges within your own practice?
- 3) This discussion paper outlines 4 guidelines for social workers concerning technology. Do you feel that these guidelines are applicable to you and your practice? your organization? Is there additional information that you feel is necessary?
- 4) What do you see as the role of social work in addressing some of the issues outlined in this document?

CONCLUSION

Balancing confidentiality in the age of technology can be difficult and does pose new challenges for social workers that reflect the complexities of social work practice itself – privacy versus the need for accountability.

Technology will continue to evolve and advance. The profession of social work must find a way to continue to embrace it, to use it ethically and to influence its use in a manner that respects clients and service delivery. Social workers have a role to contribute a vision of values that influence social change. Technological competence is integral to social work practice. As social workers we value the therapeutic alliance with clients as paramount and it is through the ethical conduct in our relationships with clients that we will resolve the challenges to confidentiality which may be created by advances in technology and new service delivery systems.

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The Newfoundland and Labrador Association of Social Workers is the professional association and regulatory body for the over 1000 social workers in Newfoundland and Labrador. The mission of the organization is to "Ensure Excellence in Social Work".