



Business - Ensuring Your Business is Strong - Outlining Limits to Confidentiality

By Dr. Linda Hancock

ABOUT THE AUTHOR

Dr. Hancock has written a regular weekly column entitled "All Psyched Up" for newspapers in two Canadian provinces for more than a dozen years. Over the years, her readers and clients have said that they have benefited from her common-sense solutions, wisdom, and sense of humour. Dr. Linda Hancock, the author of "Life is An Adventure...every step of the way" and "Open for Business Success" is a Registered Psychologist who has a private practice in Medicine Hat. She can be reached at 403-529-6877 or through email office@drlindahancock.com

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Most people think that confidentiality means that what you say will be protected without exception. There are a number of laws which both the professional and client need to understand as limits to confidentiality before any services are provided.

Verbal information and written records about a client cannot be shared with another party without the written consent of the client or the client's legal guardian, however, therapists are also required to comply with provincial and federal privacy legislation in the collection and retention of personal information.

Provinces, states and federal laws differ regarding exceptions to confidentiality and/or privacy but may include some of the following which are applicable in Alberta:

Suicide or homicide (Duty to Warn and Protect): If you disclose the intent or a plan to harm another person, I am required to warn the intended victim and report this information to legal authorities. In cases in which you disclose or imply a plan for suicide, I am required to notify legal authorities and make reasonable attempts to ensure your safety.

Abuse (of Children or Vulnerable Adult. If you state that you have recently, are presently or are in danger of abusing a child or vulnerable adult, I am required to report this information to Child Protective Services and/or the Police.

Legal matters within the Justice System. If you are in trouble with the law or have matters before a judge I may be served with a Court Order to appear as a fact or expert witness or to release your records to the Courts or their representatives.

Subpoena of your file If I receive a Court document such as a subpoena, I am required to release your records as indicated.

Requests to share information with others (Release of Information). If you and I agree that I will speak with or for you with another individual (or individuals) on your behalf to further the ultimate goals of the referral information we will add the names of those individuals to this agreement. This confirms your permission for me to use verbal or written communication through conversation with the individuals named or by preparing and/or sending reports to the individual.

Information Required by a Coroner or Medical Examiner's Office

Informed consent means that your client clearly understands the limits to confidentiality and agrees to proceed knowing these.