

Confidentiality

"A gossip betrays a confidence, so avoid a man who talks too much." Prov. 20:19

Confidentiality- is an ethical and legal duty to protect information inside a legally defined arena except for legally mandated exceptions. A violation of confidentiality sets a person in place as a liability risk.

For your protection:

- Never reinforce the perception that confidentiality is absolute.
- Review with the person at the very beginning of the meeting the areas where confidentiality will/may not be maintained or guaranteed.
 - Child/Elder abuse/neglect-Texas now mandates that "All Persons" who suspect child abuse of one 17 years or younger to report (Texas Family Code § 261.101(a)-(c) and § 261.102
 - Harm to self or others (including suicidal intentions)
 - Felony
 - Those in ministry-release information to their oversight
 - Ministry persons to review issues with supervisor (Be general)

Unintentional breach of confidentiality can be seen in:

- Praying for someone
- Using someone as an example or illustration
- Talking to a pastor in a public place
- Visiting with the spouse
- Saying, "I saw your...(mom, dad, child, etc.)"

Negligence-A lack of ordinary care of a reasonable, ordinary, prudent person under the circumstances that results in damage to another individual. To be liable for negligence in Texas, a 4-pronged test must be met:

1. A duty must exist between the person (pastor) and the person who is harmed (such as a parishioner?)
2. A breach of that duty must take place
3. The breach is the proximate cause of the harm
4. Damages

Overriding Confidentiality

- Get written permission
- Use Ministry Agreement
- Imminent danger to self or others