



Confidentiality: Not for Patients Only

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Maintaining confidentiality is a primary obligation for psychologists, and all psychologists working in a professional capacity are expected to take reasonable precautions to protect confidential information (APA, 2002). Most psychologists in clinical practice are aware of the legal requirements to maintain the confidentiality of patients, however psychologists are also expected to address confidentiality when they serve in any other professional roles, including research, education or consultation. The purpose of this article is to increase awareness of the complicated issues of informed consent and confidentiality in all professional relationships.

The rules of clinical practice are relatively straightforward. Get a release of information or protect the confidentiality of the patient unless required or permitted to disclose it. Tarasoff warnings, danger to self or others, and child and elder abuse reporting are frequently the focus of the education and continuing education of psychologists. However as complex as these issues may be, the decision to disclose confidential information about students, supervisees and others seen by psychologists may be even more complex.

Although the demands of academia and training may differ from that of clinicians or researchers, the ethical obligation of confidentiality must still be considered by teachers and supervisors. The Ethics Code applies to such diverse activities as school psychology, supervision of trainees, public service, policy development, social intervention, educational counseling, organizational consulting, forensic activities, program design and evaluation and administration (APA, 2002).

In most settings, confidentiality is regulated by institutional rules, custom, or by the nature of the professional relationship. Faculty and supervisors provide written and verbal evaluations of students, forensic psychologists perform evaluations, and psychological assistants, interns and trainees present cases in classroom and training settings, and business consultants give feedback to management. Performing these vital functions requires psychologists to address any conflicts between these professional duties and the Ethics Code by making known their commitment to the Ethics Code and attempt to resolve any conflicts that may arise (APA, 2002).

The Ethics Code does not require psychologists to have all persons they work with sign consents for the disclosure of confidential information. Such a practice would be overly burdensome in many settings. The Ethics Code is intended to provide guidance, and is written in such a way as to “allow professional judgment...en-

sure applicability across the broad range of activities conducted by psychologists... (and) guard against a set of rigid rules” (APA, 2002, p.2). However psychologists should discuss the limits of confidentiality, what sort of information will be disclosed and as best as possible, the foreseeable uses of the information. This would mean that faculty or supervisors might inform students and supervisees of what will be disclosed in evaluations, and to whom that information may be provided. Such a discussion should occur as soon as possible, and whenever circumstances change.

In addition to providing information about disclosures early on, psychologists should also carefully consider the information that is to be disclosed. The Ethics Code instructs psychologists to minimize intrusions on privacy by providing only relevant information and only disclosing confidential information to those persons who have a need to know. For example, a supervisee’s personal life may be the subject of considerable discussion in supervision. However the supervisor must exercise great care in discussing these matters in formal evaluations or informal discussions with other trainees or members of a training program. Only information that is truly necessary for a fair evaluation should be disclosed. Ideally, and in keeping with the above discussion, supervisors should also carefully consider having a discussion with the trainee as to what information may be disclosed, and consider whether the disclosure of personal information about the trainee is relevant or necessary to provide accurate feedback.

Confidentiality is given considerable weight in the Ethics Code, however psychologists have multiple obligations. When considering the disclosure of confidential information, psychologists should apply these aspects of the Ethics Code; discuss confidentiality up front, obtain informed consent, respond carefully to imposed requests for disclosure, and minimize the many avoidable breaches of confidentiality that so often arise. A thoughtful approach to all disclosures allows psychologists to protect the rights and dignity of those with whom we work. 

References

American Psychological Association, (2002). *Ethical Principles of Psychologists and Code of Conduct*.

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