



## Survivor Confidentiality in the Time of COVID-19

These are unprecedented times for all of us, and as we continue to provide trauma informed services to the survivors we serve please know that to help, ICADV has developed a comprehensive response to the COVID 19, which we will continue to update daily at <http://icadvinc.org/covid19/>.

It is equally important to remember that survivor confidentiality continues to be critical, even in these uncertain times. Please note and share the following:

- ICADV member programs CANNOT disclose survivors' personally identifying information, unless mandated to do so by a statute or court order. This includes any health-related information.
- The only mandatory reporting requirement of suspected and/or positive COVID-19 cases is narrowly and specifically for health care workers. (410 IAC 1-2.5.)
- A survivor's health information exclusively belongs to that survivor and must not be shared without that person's written, targeted, informed and signed release of information.
- This requirement has not changed but it is continuing to evolve in circumstances where mobile or online advocacy is increasing. The point of confidentiality is to be survivor-centered and the point of written consent is to ensure you have clear written instructions that the survivor has adopted and both you and the survivor can refer back to.
- When using technology to achieve written consent, ask these questions:
  - Did we have an actual discussion (could potentially be on-line but voice call is safer given later "impersonation" questions) where the advocate supported the survivor to make an informed decision?
  - Is there something in writing that clearly gives instructions which can be referred to by both advocate and survivor? (what does survivor want done, when does permission to act end, etc.)
  - Can you confirm that it is the survivor giving you these instructions, not someone impersonating the survivor (thus the preference for voice calls)?
- A survivor can write down what they want you to do and by when they want you to do it and snap a picture to send to you via technology.
- A survivor can email/text you what they want you to do and by when they want you to do it and you can make a record that you had a conversation which covered the required elements to achieve "informed" decision-making.

For more information or with questions, please contact ICADV Legal Counsel Kerry Hyatt Bennett at [kbennett@icadvinc.org](mailto:kbennett@icadvinc.org)