GUIDELINES FOR CONFIDENTIALITY

1. The main purpose of privileged communication is to offer counselees a relationship in which they will be able to deal with what concerns them without fear of disclosure.

2. In reality, it is the client who is privileged. It is the client's or clients parent or guardian in cases of minors, own information and the client or guardian has the right to say who shall have access to it and what shall not.

3. The counselor and client must be provided with adequate physical facilities that guarantee the confidentiality of the counseling relationship.

4. With the enactment of PL 93-380 which speaks to the rights and privacy of parents and students, great care should be taken with recorded information.

5. Counselors must be concerned about individuals who have access to confidential information. Counselors must adhere to PL 93-380.

6. All faculty and administrative personnel should receive inservice training concerning the privacy rights of students. Counselors should assume the primary responsibility for educating school personnel in this area.

7. It should be the policy of each school to guarantee secretaries adequate working space so that students and school personnel will not come into contact with confidential information, even inadvertently.

8. Counselors should undertake a periodic review of information requested of their clients. Only relevant information should be retained.

9. Counselors must not discuss matters over the telephone. A counselor should insist that a request for information be made in writing on official stationary.

10. Counselors should be aware that it is much more difficult to guarantee confidentiality in group counseling than in individual counseling.

11. Communications made in good faith concerning a student may be classified as privileged by the courts and the communicating parties will be protected by law against legal action seeking damages for libel or slander. Generally, it may be said that an occasion of this particular privilege arises when one acts in the bonafide discharge of a public or private duty. This privilege may be abused or lost by malice, improper and unjustified motive, bad faith or excessive publication.

12. When a counselor is in doubt about what to release in a judicial proceeding, the counselor should arrange a conference with the judge to explain the counselor's dilemma and get advice as to how to proceed.

13. Counselors have a responsibility to encourage school administrators to develop written policies concerning the ethical handling of all records in their school system. The development of additional guidelines relevant to the local situation are encouraged.

14. Finally, it is strongly recommended that state and local counselor associations implement these principles and guidelines with appropriate legislation. With the passage of the family educational rights and privacy act, PL 93-380 (the Buckley Amendment), great care must be taken with recorded information.