

CONFIDENTIALITY EXPLAINED

RECORDS AND PRIVACY

The contents of student files should be released only to authorized persons. Even program personnel should be given access to files only for appropriate program-related reasons. Parental signatures are required before records are sent to anyone.

Catechetical leaders may find themselves facing a non-custodial parent who wants a copy of student records or other information. The Buckley Amendment grants non-custodial parents the right of access to student records.

There has been no definitive case concerning the Buckley Amendment and a Catholic institution. It is the general opinion that religious education programs should voluntarily comply with the law. If one chooses not to comply, one runs the risk of becoming a test case in the courts. There are common sense reasons, also, for allowing non-custodial parents involvement in the lives of their children. Unless there is a court order to the contrary, a non-custodial parent should be allowed to discuss a child's progress and should be given unofficial copies of reports, if requested. Of course, a non-custodial parent has no right of physical access to the child unless granted that right by a court or by mutual agreement with the custodial parent.

Empowering Catechetical Leaders, pg. 215

CONFIDENTIALITY ISSUES

Confidentiality is generally held to mean that one individual will keep private information private, and will not reveal it to anyone.

If a student tells a catechist or catechetical leader that he or she is going to harm self or others, the catechist or catechetical leader must reveal that information even if a promise of confidentiality has been given. Teachers who fail to act on this type information can be sued for failure to warn when tragedy occurs.

There is no "professional privilege" for a catechetical leader or catechist receiving confidential information, unless the person is a priest hearing confession or an attorney who can claim attorney/client privilege. In light of this, a catechetical leader must presume that no legal protection exists for those who receive student confidences. Develop the ground rules for confidentiality before you receive any confidences. Tell students that their confidences will be respected except in cases of danger to health, life and safety. If a student asks to talk to the catechetical leader or catechist in confidence, the ground rules should be reiterated **before the student begins to share**.

Empowering Catechetical Leaders, pg. 215-218

