

# VAWA Confidentiality:

*Protecting Survivor Privacy, Safety,  
and Choice*



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**1**

**Describe VAWA  
confidentiality rights and  
protections**



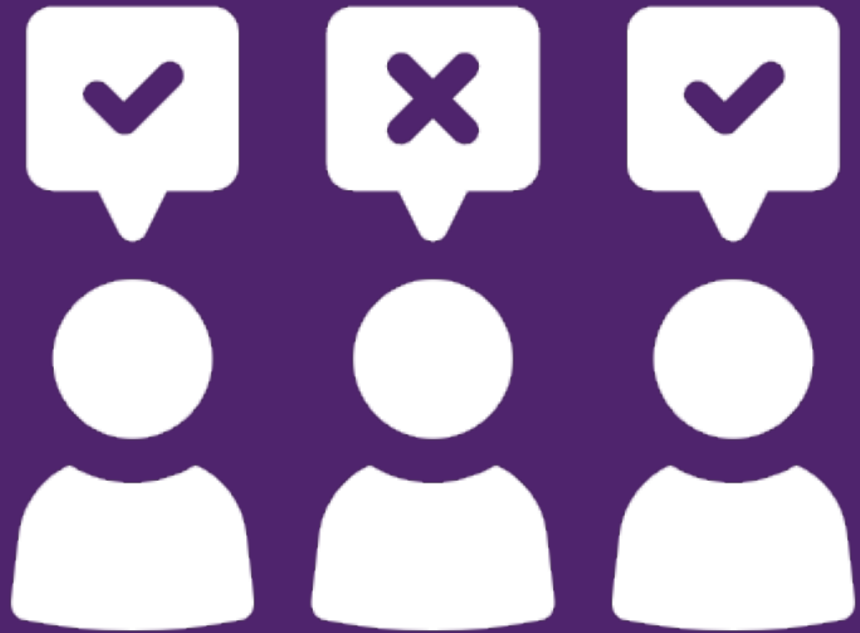
**2**

**Describe how to obtain  
consent to release information**



Some of the content in this module is specific to Delaware.

Please check with your agency, organization, funder, or other governing body about additional policies related to your work.



**Who's in  
the  
room?**

# **How would you rate your understanding of VAWA Confidentiality?**

**1 – Very Little to None**

**2 – Some Understanding**

**3 – Pretty Good Understanding**



**Questions?  
Use the  
chat!**



# What is the Violence Against Women Act?

**VAWA is the **first** federal  
legislation addressing  
violence against women.**

# **VAWA addresses**

Domestic violence

Sexual assault

Dating violence

Stalking

**VAWA provides federal  
funding for victim services,  
law enforcement, and  
prosecution.**

1

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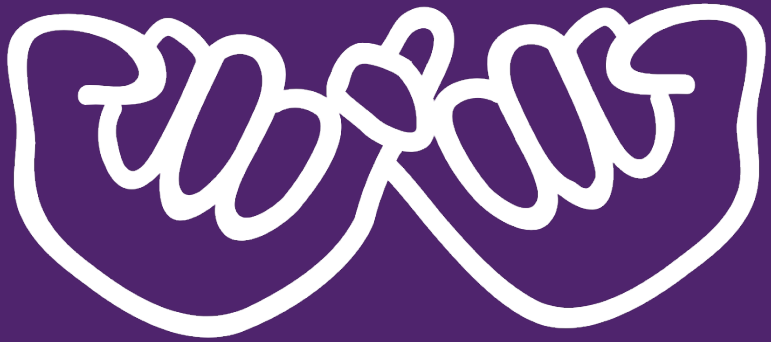
**Privacy, choice, and informed-  
decision making are the  
foundations of a positive client-  
provider relationship.**



**Victims of crime have had their power and control taken away from them in many ways.**

It is the **advocate's responsibility** to protect someone's information that they've shared with you.





**Confidentiality is  
a duty and  
responsibility to  
protect and  
respect the  
victim's choices.**

**CONFIDENTIAL**

# **VAWA Confidentiality Protections**

# VAWA Confidentiality Provision

## (34 U.S.C. § 12291(b)(2))

Protect the confidentiality of anyone who **requests or receives** victim services from a Domestic Violence, Sexual Assault, Dating Violence or Stalking program that receives VAWA funding.

# Program that receives VAWA funding

**Grantee:** any person or institution receiving federal VAWA funding

**Subgrantee:** any person or institution receiving VAWA funding from a Grantee

# VAWA Confidentiality Requirements

Prohibits disclosure of **personally identifying information** collected in connection with services requested, provided, or denied,

without informed, written, reasonably-time limited consent by the survivor or when compelled by state law or court order.



**What is  
Personally  
Identifying  
Information?**

# Personally Identifying Information

**Individually identifying information** including information likely to disclose the location of a victim

(34 USC §12291(a)(20))

**Name**

**Address**

**Contact info**

**ID numbers**

**Birthdate**



**Photographs**

**Race, ethnicity,  
national origin**

**Gender identity**

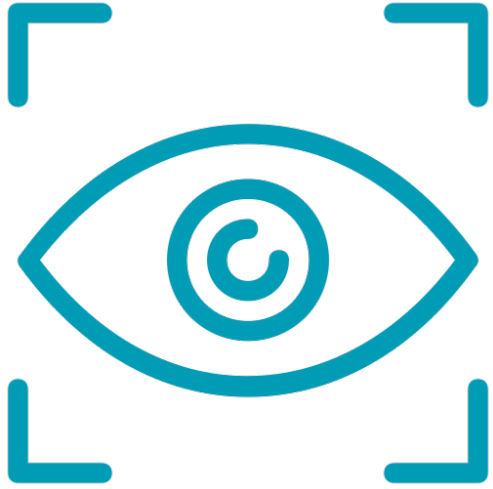
**Place of  
employment**

**Religious affiliation**



**Delaware  
is small!**

# Protects:



**Personally  
Identifying**



**Individual**



**Related to  
Services**

# **VAWA Confidentiality Requirements**

Protect online and  
financial information

**34 U.S.C. § 12291(b)(2)**

1

Describe VAWA  
confidentiality rights and  
protections

2

**Describe how to obtain  
consent to release information**

**What if the victim  
wants or needs you  
to share their  
information?**



**You need  
written  
consent to  
share info**

# Written consent must be:



**Specific**



**Time-  
limited**



**Informed**



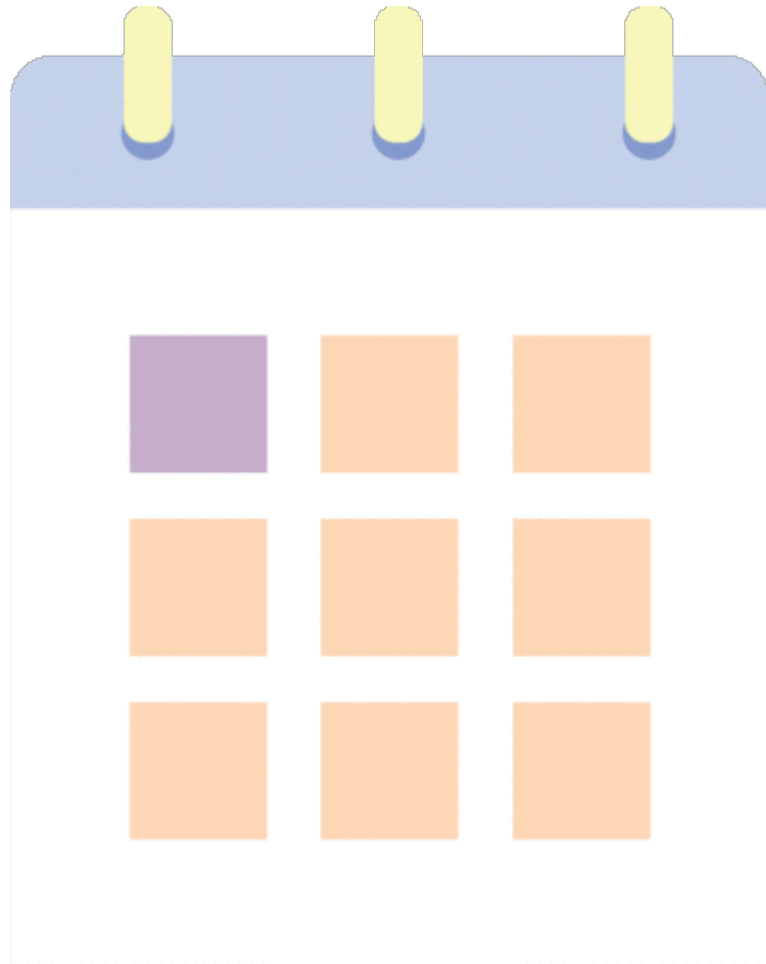
**Consent involves discussing consequences to disclosure.**



# A Consent to Release

Can **never be required** in order to receive services.

Can **never be a condition of eligibility** of services.



**How long  
should a  
release last?**

Put your response in the chat!

# Reasonably Time-Limited Releases

Purpose and circumstances of the release

Minimum length of time necessary

Tied to the service requested

# What if the survivor is a minor?

If the minor is of an age where they are permitted to consent on their own (ages 14-17), then they alone/independently can provide written consent.

If they are under the care/custody of the non-abusive parent, the parent can consent on their behalf.

# Key Things to Remember

Each situation might require different information.

Be prepared to explain the what, how, and why in simple terms.

Written consent is **not** required to receive services.

Clients can always opt out of sharing information.

**If a survivor withdraws consent, immediately stop disclosing and document the withdrawal in writing.**



**What if you're  
compelled by  
Statutory or  
Court Mandate  
to share  
information?**

Make reasonable attempts to inform the victim;

Take steps to protect the safety and privacy of the victim



**Personally identifying information is not necessary for grant reporting**



**...but data is important.**



# Grantees and subgrantees may share:

**Non-personally** identifying data in the **aggregate** regarding services to their clients

**Non-personally identifying demographic** information in order to comply with Federal, State reporting, evaluation, or data collection

# It's OK to share:

Number of people receiving a particular service

ex. # of Hotline calls;

# of court accompaniment

Aggregate Demographic Data

ex. # of clients served within an age range

# It's NOT OK to share:

A client's full case file

Testimonials/stories with identifying information

If a particular person has received services from you or your agency



**Protections  
apply  
across the  
entire  
agency  
program!**



**NO**

**What if a  
community  
partner  
wants to  
follow up on  
a referral?**

A hand is holding a white rectangular sign against a bright yellow background. The sign has the word "NO" written on it in large, bold, black, hand-painted letters. The hand is visible at the bottom left corner of the sign, holding it from underneath.

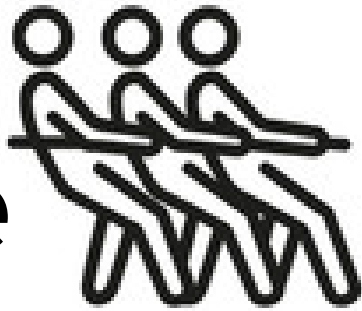
**What if they  
“already  
know” and  
just want  
confirmation?**

# Confidentiality

=

# Safety

**Federal  
v.  
State  
Powers**



**VAWA confidentiality requirements do not prohibit a grantee or subgrantee from reporting suspected child abuse or neglect.**



**What if there's an  
emergency?**

# Medical or Legal Emergencies



Do responders need to come into the shelter?

Must you share PII to get the services needed?



When emergency ends, informed consent is required again

# Example

A 26-year-old pregnant woman is staying at the shelter after leaving her abusive partner. She is having pain in her back and needs to go to the hospital.

**What do you share with emergency responders?**

# Example

Barbara and her two children are residents in the shelter. She has an active PFA against her abusive partner. Her partner has found the location of the shelter and is banging on the door, demanding to see the children. Barbara and the other residents are terrified.

**What do you share with emergency responders?**

# If you do have to share

Only disclose the **minimum** amount necessary to meet the requirement

Take steps to notify the survivor of any disclosure

Continue to protect the client's safety and privacy

**If you're in  
doubt, talk it out  
(*confidentially*)**

# Best Practices

Always work within the boundaries of these confidentiality/disclosure rules.

Different agencies may have additional rules/policies

Confidentiality must be applied across the agency

Discuss hypotheticals/trends



**Questions?**

# Disclaimer

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