

Praxis International Rural Technical Assistance on Violence Against Women webinar

## Where Everybody Knows Your Name

### Protecting Survivor Privacy in Rural Communities

Jessie Mindlin, Esq.  
Carol Schrader, Esq.  
Victim Rights Law Center

**Wednesday, January 25, 2017**  
**2 – 3:15 pm Central**

**We'll begin shortly...**

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## Where Everybody Knows Your Name

### Protecting Survivor Privacy in Rural Communities

Jessie Mindlin, Esq.  
Carol Schrader, Esq.  
Victim Rights Law Center for Praxis International

*January 25, 2017*

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## Webinar details

- **Accessibility**
  - Closed Captions are displayed at bottom of screen. Due to limitations of real-time captioning, mistakes are possible.
  - Use Q&A box for questions/comments at any time.
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## Introductions



Jessica Mindlin, Esq.  
Victim Rights Law Center  
National Director of Training  
& Technical Assistance



Carol Schrader, Esq.  
Victim Rights Law Center  
Staff Attorney

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## Learning Objectives

- Explain the difference between privacy, confidentiality, and privilege.
- Identify state and federal laws that impact survivor privacy.
- Articulate how mandatory reporting impacts privacy rights.
- Identify new ideas for protecting survivors' privacy.

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## Poll



- Which best describes you?
  - Advocate with a sexual assault and/or domestic violence agency
  - Attorney with a sexual assault and/or domestic violence agency
  - Attorney with a legal services agency
  - Coalition staff
  - Sexual Assault Nurse Examiner
  - Other (please specify in chat box)

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What privacy questions or issues are you seeing with your work?



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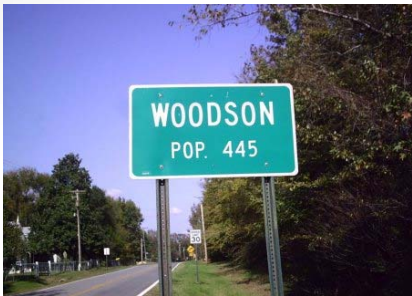
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Life in a Rural Context:  
Strengths and Challenges



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Some Challenges to Privacy  
in Rural Context



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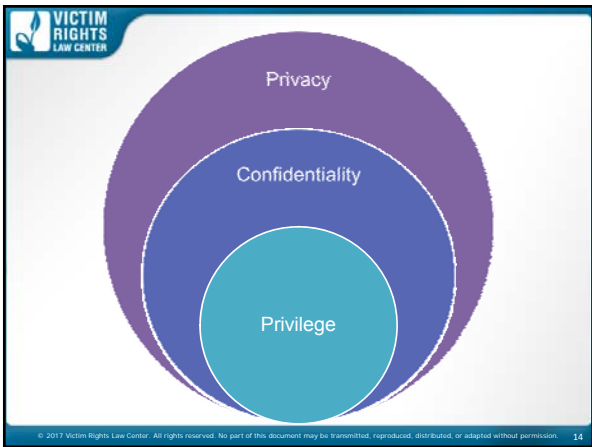
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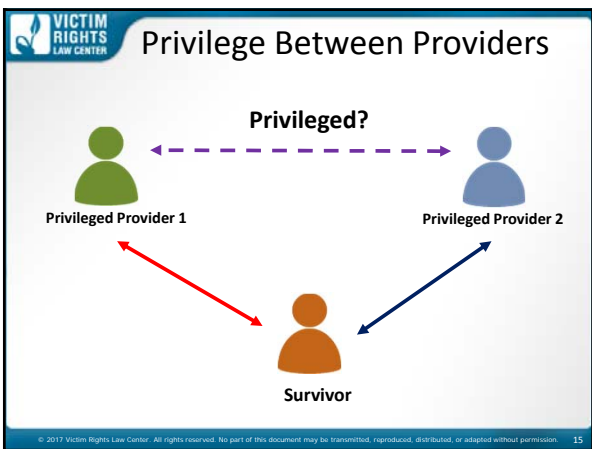
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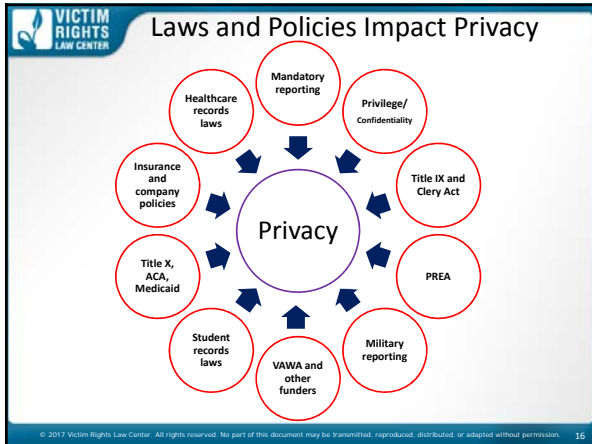
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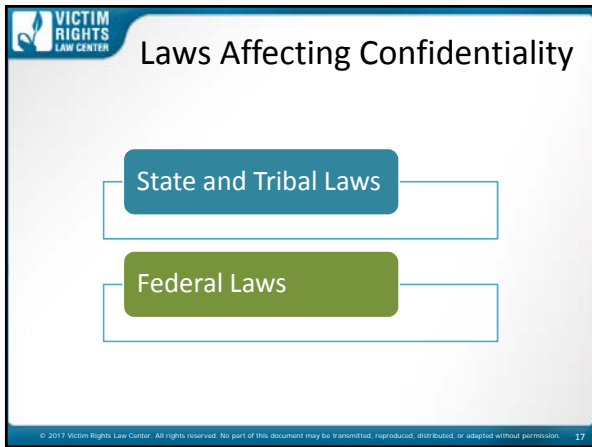
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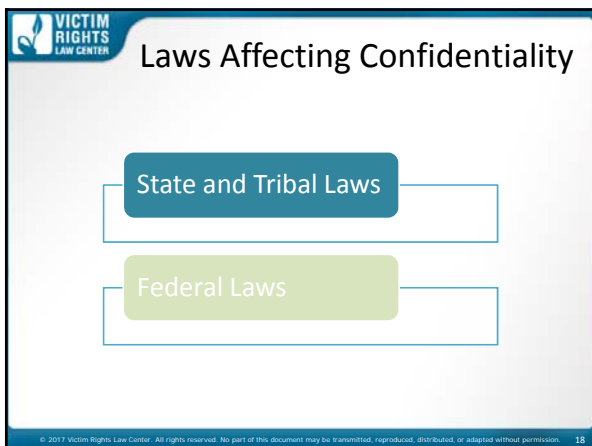
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## Mandatory Reporting

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## Mandatory Reporting Laws: To Whom Do They Apply?

- Children
- Older adults
- Adults w/ disabilities
- Danger to self or others
- Certain injuries
- STIs &/or other “reportable diseases”

**Varies by jurisdiction!**

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## Poll



- When I give minor clients a referral, I tell them whether the other provider is a mandatory reporter:
  - Always
  - Sometimes
  - Never
  - Not sure (I haven't thought about this before)

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## Peeling Back the Layers

Are you a mandatory reporter? →

Is the victim someone whose abuse must be reported? →

Has victim experienced "abuse" ? →

Are you exempt from reporting? →

What must be reported? →

http://commons.wikimedia.org/wiki/File:Onion\_skin.jpg#mediaviewer/File:Onion\_skin.jpg

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## Practice Tips

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## MR Practice Tips

Know:

- When you are mandated to report and disclose this in advance
- What referrals are mandatory reporters
- Options that don't require reports
- Best practices when you must make a report

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## Laws Affecting Confidentiality

- State/Tribal Laws
- Federal Laws

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## Violence Against Women Act (VAWA)

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## VAWA Grantees

- **May not disclose**
  - personally identifying information
- **About someone who**
  - sought,
  - received, or
  - was denied services...

except. . .

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## VAWA

Allows Release of Information *if...*

- Release is compelled by
  - statute,
  - court mandate, or
  - victim consent

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## What is PII?



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## VAWA Consent to ROI

- Written
- Informed
- Time-Limited

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## VAWA's Conditions for Mandated Release

- Reasonable attempts to **notify victims affected**; and . . .

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## VAWA's Conditions for Mandated Release (cont.)

- Take steps necessary to **protect**
  - **privacy** and
  - **safety** of **persons affected** by release of information.

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## Title IX

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## Title IX: Overview

- Prohibits sex discrimination
- Federal §
- Interim measures
- Prompt and equitable response
- Limited confidentiality
- Preponderance standard

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## Title IX Privacy Roles



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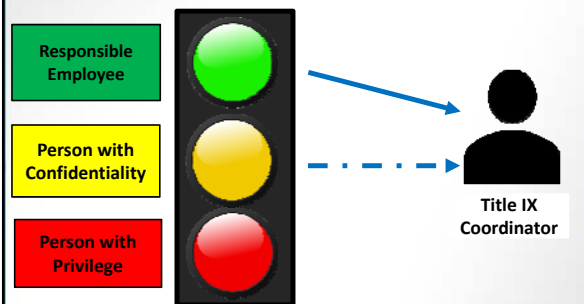
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## FLOW OF INFORMATION to Title IX Coordinator



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## Practice Tips

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## Practice Tips

- Discuss confidentiality at the outset
- Don't over-promise
- Protect privacy when you collaborate
- Address technology and remote services
- Vary meeting locations, parking
- Use appropriate interpreters and translators
- Consider minors' privacy

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## Privacy Law Two-Step

1. May a minor legally **consent** to this particular service?
2. Will this particular service remain **confidential**?



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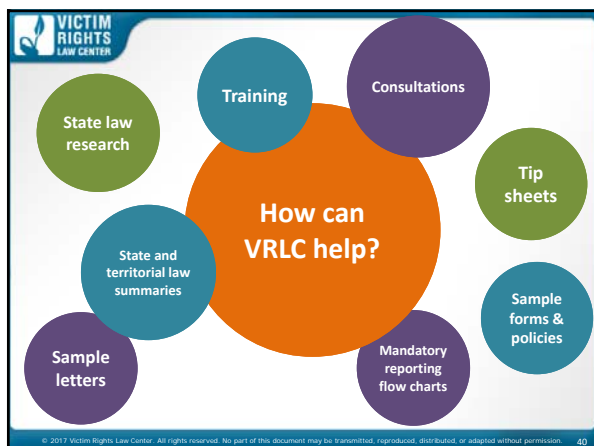
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**We Are Easy to Contact**

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**VRLC Minors' Privacy Rights Toolkit**

Issues or topics?

Tools or templates?

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