



If a person I'm supporting says they are living with HIV, I do not need to note their HIV status in their case file or inform my manager.



DISCUSSION QUESTIONS

- Why might a support worker feel they need to note someone's HIV status in a case file or inform their manager? When would it be appropriate or not appropriate to include this information in a case file?
- What policies exist in your organization regarding maintaining and sharing case notes? How are these policies currently communicated to the people you are working with?
- What are strategies you might use to ensure a woman's rights are upheld and the confidentiality of their health information is respected?
- What actions might you take as an individual worker and organization in the event of accidental or inadvertent disclosure by a staff member?



FACT

TIPS:

As a community worker, you may be thinking about your responsibility to the women you're working with, as well as your professional obligations. On one hand, you may be thinking about someone's privacy, their right to have information about their HIV status protected, their right to decide who knows about their HIV-positive status, and the importance of this confidentiality in building a supportive and positive working relationship. On the other hand, it may feel like it is good practice to note details about someone's HIV-positive status in their case file or report this information to your manager. This may help you and your organization to provide important and needed support. It may also seem like this follows due diligence, is necessary for good practice, or fosters teamwork and collaborative care. These are all important considerations.

Here is some information to help think through these decisions:


- It is important to have a strong understanding of policies, guidelines and laws that inform confidentiality. This includes the *Personal Health Information and Protection Act*, as well as your workplace policies, and codes of ethics or standards of practice related to your professional role.
- The right to privacy is an important fundamental right protected by law. Due to these policies and laws, it is important to be thoughtful about how private information is protected and maintained, as well as if it can be shared and in what manner. It is also important to approach this issue from a perspective that centers the experience and autonomy of the women you are working with.
- You can work to provide positive and respectful support to women by discussing confidentiality policies before private information is shared and getting input from the woman you are working with about how information is shared. Women living with HIV may have concerns about their HIV status being



included in their case file. On the other hand, women may not want to disclose their HIV status multiple times at the same agency, and may therefore want it shared in their case file. As women may feel differently about sharing their HIV status, it is important to consult with each woman you are working with about how the information is shared and how to best support them.

- Knowing how HIV is transmitted, universal precautions, and privacy and confidentiality policies can help to reduce fears amongst staff. Providing training, education, and support to staff can ensure you are respecting women's privacy, protecting confidential information appropriately, and upholding privacy and human rights laws.
- If you are in a position where you need to record someone's health information, such as their HIV status, be mindful of how you are documenting this information in their file, what language you are using to describe the person and if this aligns with how they describe themselves, and how their information will be communicated and shared between colleagues. You could make a note in the file stating "Confidential" as an ongoing reminder to whoever accesses the file that this information should be treated with respect and confidentiality.
- It may be helpful to have a conversation with the woman regarding if and how their HIV status is recorded in their file, who has access to the file within your organization, and if the information will be shared with any other workers outside of your organization. You may note in the person's file who in their life knows about their HIV status if they discuss this with you. They may not have told anyone beyond their healthcare provider and may have fears or concerns about people finding out. This information will be helpful to colleagues who have access to their file to prevent accidental disclosure.



Check out the  **More Information** section of this toolkit for additional resources on HIV transmission, privacy and confidentiality.



For more information visit **WHAI.CA**