

Confidentiality and Data Security Policy

St. John's Lutheran Church, Oregon, WI

Introduction

The framework for the Confidentiality and Data Security Policy has been constructed on the following core values and principles:

1) A commitment to ministry is foundational to the mission of St. John's Lutheran Church (referred to as "this congregation.") and understanding of a vital faith community. By definition, ministry involves creating caring connections among members and others in the broader community and world. Sharing of personal information between and among members is a natural process within the caring and healing relationships embedded in congregational ministry.

2) In the context of facilitating effective congregational communication, personal information that includes names, addresses, phone numbers and, in some cases, email addresses are shared with members via the Church Directory. This is also seen as a necessary tool for doing the work of the church. When deemed appropriate, the church council may authorize the release of names and mailing addresses only to agencies related to the ministry of the congregation. Members and regular attendees may request to withhold this personal information from the Church Directory. Information withheld from the church directory will not be shared with outside agencies.

3) The congregation council and leadership of St. John's respects, controls, and protects all personal information that has been entrusted to the Congregation by members. Personal information that is given to members via the Church Directory is intended for members' use only and should not be shared by those who could use it for solicitation purposes or potential exploitation.

4) In order to sustain a strong, caring community, members should be sensitive to, and respectful of, personal information shared by others in bible study and educational groups, prayer chain requests, and other interactional church activities.

Purpose

St. John's Lutheran Church seeks to promote the highest standards of privacy and safety for the information and data which it uses in its work of ministry. All confidential information must be protected from disclosure to unauthorized persons.

General Standards

Confidential information shall be actively obtained only as necessary to do the work of the congregation. Additional persons may be given access to confidential information only when a demonstrable need to

know exists, and when such a disclosure has been expressly approved by the Pastor and/or Church Council. Specific community-based ministry sponsors, in some cases, may be given limited access to personal information such as names and addresses of members. Exceptional care must be taken to control and secure confidential information. Failure by staff or ministry to control information as defined by this policy may result in corrective disciplinary actions in accordance with personnel policies of this congregation. Members and volunteers should take equal care to comply with this policy.

Confidential Information Defined

Confidential information is defined as 1) information gained from any source that describes or pertains to an individual's personal, medical, social, or financial information and 2) information of a member or congregation that, *if lost, stolen, or inappropriately released without proper authorization, could do harm* to this congregation, its members, staff, or to other parties working within this congregation. Such information includes, but is not limited to the following:

- Personal identify information such as a birth year, Social Security numbers, and bank account information (i.e., accounts and routing numbers); and
- Congregation's personal identity information--bank account and routing numbers, list of members, donors, and grants, detailed accounting information, confidential memos concerning counseling sessions, staff information, and any other documents which would in any way harm, embarrass, or negatively impact this congregation or its members.

Pastoral Care and Confidential Files

The principle of confessional confidences, which applies to all ordained ministers of this Church, is specified by the ELCA church-wide constitutional provision (7.45).

When the lead pastor, and/or associate pastor, provides pastoral care to parishioners, such as marriage counseling, personal counseling, or spiritual direction, the pastor may create a file containing:

- Date and time of consultation and persons present
- Observation notes; analysis and recommendations
- Pertinent correspondence

Pastoral care files must be kept locked and in strictest confidence, as they involve a relationship at the highest level of trust and are usually subject to the *clergy and penitent privilege*. The parishioner must sign a release, if any information is to leave the file at any time. The pastor must use good judgment in establishing the nature of each relationship and in creating documentation of it. An understanding of the nature of this relationship will determine the appropriate creation and disposition of the records. The ELCA *Records Retention Schedule for Congregations* recommends that these records be destroyed/shredded at the termination of the relationship or stored in a secured archive location.

Compulsory Reporting and Exceptions to Confidentiality Standards

In all states, suspected cases of child abuse are required to be reported to the appropriate authorities. When there is reason to believe someone's life may be in danger, the duty to preserve life outweighs the duty of confidentiality. Staff and congregational members must follow state or federal laws that require compulsory reporting. Particular attention is paid to the protection of vulnerable adults and minors who because of age, impaired physical, mental status, or stigma could be exploited by others.

Use of Email

All staff and volunteers should be sensitive to the fact that email can create a permanent written record. Because of the potential manipulation of email, any questions about a specific item to be emailed should be directed to the Pastor(s). *Confidential information* as previously defined in this policy should not be emailed to anyone without prior authorization. Previously authorized use of personal identity information such as names, addresses, phone numbers and email addresses of members is provided to other St. John members upon request and may also be shared in specific church documents such as church directories, bulletins, letters, and newsletters, as appropriate.

It is this congregation's policy that confidential information should not be downloaded to any portable media devices (i.e., laptops, flash drives, CDs) without the pastor's approval. Downloaded information must be stored in a secure location.

Health Insurance Portability and Accountability Act (HIPAA)

HIPAA is designed to keep information related to an individual's health private. In general, the HIPAA Privacy Rule does not apply to churches' disclosure of health-related information about its parishioners in the context of publicizing prayer requests and prayer lists. However, good taste and overall concern for privacy will guide discussion of personal health issues. If the congregation is providing health care via a parish nurse or other licensed health providers, the privacy rules apply. If the pastor(s) and/or designated office staff learn health information from insurance records of employees, the privacy rules apply.

Church Council and Confidentiality

The covenant of confidentiality within established church committees requires that all committee members respect the privacy of the pastor, church employees, or members for whom the committee has responsibility. Committee members should strictly maintain the confidentiality of all information shared of a personal, sensitive nature, whether presented verbally or in writing in the course of committee meetings.

Church Council actions are regularly published as *Minutes* in the congregational newsletter or in other designated documents (i.e., annual report). An *executive session* may be called by the Council President or another authority in situations when confidentiality is required by law or when *highly sensitive* issues (i.e., major strategic, business, legal, crisis management, personnel-related) or time-sensitive topics that

can't yet be made public, need to be discussed. In this case, the confidential information will not be reported in Council minutes.

Confidentiality Agreements

Church staff members and designated volunteers within this congregation may be asked to sign confidentiality agreements. Although signed agreements can be required at the discretion of the Church Council, persons directly involved in some form of on-going ministry to vulnerable adults (i.e., due to age, impaired physical or mental status) or minors are customarily asked to sign a confidentiality agreement.

Information released on background checks required of selected staff and volunteers is to be secured in locked files and reviewed only by the pastor(s) or those who would need to know the information.

This policy supersedes any previous confidentiality policies.

Approved by the Church Council, November 20, 2012.