



**Keys to youth-friendly services:
Ensuring confidentiality**

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The provision of youth-friendly services requires not only providing high quality services that are appropriate for young people, but also identifying and minimizing the barriers that prevent young people from accessing those services. Confidentiality is a crucial element.

To access services (for the first time and for future care), young people must feel comfortable disclosing accurate information about their health, concerns and behaviour. They must also feel confident that they will receive a high quality service in return. Maintaining confidentiality of clients' private information should be at the heart of all medical practice, and it is particularly important for services provided to young people because research shows that young people are less likely to seek services they need or ensure that they are properly followed-up if they do not feel that confidentiality will be maintained.

'Privacy' and 'confidentiality' are distinct and complementary concepts. Privacy is 'the right and power to control the information (about oneself) that others possess'. Confidentiality is "the duty of those who receive private information not to disclose it without the patient's consent". Thus, confidentiality ensures privacy.

The promotion of young people's sexual and reproductive health can be only done through providing confidential services that encourage them to seek preventive care and counselling.

Sexual rights



Sexual rights are an evolving set of entitlements related to sexuality that emanate from internationally-recognized human rights to freedom, equality, privacy, autonomy, integrity and dignity. Ensuring confidentiality for all young clients ensures the maintenance of their dignity and autonomy.

Article 4 of Sexual Rights: An IPPF Declaration states that all people have the right to privacy and to make autonomous decisions about their sexuality without interference. Therefore all young people also have the right to decide if, when, how and with whom to share information about their sexual choices without forceful interference from other people.

Health professionals should consider how best to ensure young people's right to privacy in practice, including in the following situations that may be encountered on a day-to-day basis:

- Providing services in a clinical setting that ensures privacy;
- Sharing information with other health care professionals about a young client's sexual behavior, sexual orientation, HIV status, contraceptive use, history of sexually transmitted infections, pregnancy or abortion;
- Writing personal correspondence, such as letters, prescriptions and medical bills; and
- Involving third parties in young people's decision-making processes, including parents, families, spouses, partners, peers or friends.

Confidentiality and medical ethics

Medical professionals are guided by professional ethical guidelines, and confidentiality is at the heart of the code of ethics for medicine. As an example, the International Federation of Gynaecology and Obstetrics (FIGO), recognizes that health professionals should 'protect confidentiality in health care'.

Most health care professional organizations have adopted ethical codes, policy statements and practice guidelines to support the provision of confidential services to young people. In England, the Department of Health guidance for health professionals covers confidentiality by encouraging clinics to 'produce an explicit confidentiality policy and advertise that their services are confidential to under 16s.'

FIGO Code of Ethics

Ethics and Human Rights regarding Sexual and Reproductive Health

The human rights to a private life, to conscience and to liberty and security of the person are also key elements of autonomy that includes the duty to protect confidentiality in health care.

Professional Competence

Refuse to practice, or support practices, that violate human rights or principles of medical ethics.

Women's Autonomy and Confidentiality

Ensure that confidentiality will prevent privileged information and recorded documents from being shared verbally or otherwise, except as required by law or desired by the patient.

Case study one: When confidentiality is breached



Anna, aged 15, arrives at her local health centre with her friend Sophia to have an abortion. Anna felt too ashamed and afraid to talk to her parents but felt confident to share her story with Sophia. The clinic is busy and Anna recognizes some neighbours and a boy from her school. The receptionist is speaking loud and Anna can feel the patients starting to look at her. She is sent to a room where other women are waiting and Anna overhears the nurse talking about another woman's case. It took Anna a lot of courage to come to the clinic and now she is afraid that others in the clinic will learn about her pregnancy.

Confidentiality is breached when...

- you speak to a client about personal medical information in the presence of others
- you let unauthorized people look at clients' records without their consent
- you conduct consultations in a space where other clinicians or clients can see or hear your client
- you share client personal and medical information with others without the client's consent, including parents, partners or staff within and outside the clinic
- you gossip or speak about clients within the clinic or in the community

Maintaining confidentiality while involving others

It is important for health professionals to recognize that while all young people should be provided with confidential care at all times, young people may also be happy to discuss their health issues with their parents or others, as long as they remain in control of their private information. The third party (parents, translators or friend) should never be informed or involved without the young person's consent.

While encouraging communication between young clients and their families as much as possible, it is important to ensure that for the young people who do not wish to share any information, systems are in place to prevent breaches of confidentiality. For instance, if parents contact the clinic asking for information about a young client's visit, including the timing of the visit or the reason for the visit or treatment, it is important that clinic staff are aware of the client's right to privacy and do not release any information without prior agreement from the young client.

When legal obligations require a health provider to share private information

There are circumstances under which the duty of a health professional to maintain young client's confidentiality might be challenged, and some of them are directly linked to the legal status of young people as 'minors'.

In some countries, the law requires parental consent for minors to access specific services such as abortion, and the law in some countries might state that a health professional should report to the police a woman or girl who might have had an illegal induced abortion or is in a same-sex relationship. In both of these situations, it is essential that you inform the young client at the beginning of a consultation that you are under a legal obligation to either involve a parent or report to the authorities.

Although in these circumstances the breach of confidentiality might be lawful; it may not be in line with the medical ethics that should guide practice. In countries where the law allows room for interpretation, the respect of confidentiality in line with medical ethics should always prevail. For example, in countries where parental consent is not a legal requirement, a health professional should never share information and/or consult a young person's parent without their approval.

In certain situations, however, a health professional might also believe that the health and safety of a young client is at risk or that a young client might cause harm to others and, therefore, feel it necessary or have a legal obligation to transmit information to third parties. While this breach of confidentiality may be in the client's best interest, it is still important to inform the young person as early as possible in the consultation that this information will be shared due to the risk of serious harm. An example of such a situation is when you suspect the young client is being sexually abused. Young people should also be made aware of when information will need to be shared with other staff members of the clinic or other health care health professionals, in order to ensure coordinated care.

Ensuring confidentiality in youth-friendly services

There are several practical aspects to consider for ensuring privacy and confidentiality while providing services. They relate to organizational policy, clinical settings and quality of care, and involve all the staff of health facility.

Each facility should have a confidentiality policy, which should be endorsed by all staff (both medical and non-medical) and advertised outside and inside the facility. If a clinic wants to attract young people, it is important to let them know that services are confidential. For example, this information could be included in pamphlets or booklets distributed in the community. Some examples of such statements that have been included in promotional materials:

- “We provide confidential services to protect the privacy of all our clients”
- “A health professional would not let anybody know that you had an abortion”

The set-up of clinical facilities is extremely important for maintaining confidentiality. When providing services (either counselling or procedures), you should offer visual and auditory privacy. This means that the young clients should not be seen and conversations should not be overheard by anyone other than the authorized health professional. Ideally, private and separate rooms will be used for counselling and procedures and doors should be closed at all times, and walls should be sound-proof.

It is often not possible to have the reception desk separated from the waiting area, but every effort should be made to ensure auditory privacy; waiting clients should not be able to hear a conversation between a young client and the receptionist.

Finally, while taking into account the evolving capacity of the young clients, the provider should always inform them of their rights, seek their consent to share information when required and ensure that they are fully aware of the legal barriers that might interfere with their right to confidentiality and ways that the health professional will help to minimize the exposure of the client's private information. Health professionals should always obtain agreement from young people as to the best way to contact them if necessary following the consultation (i.e. by mobile phone, email or post) and how to leave messages for the client so as to minimize the chances of exposure of private information to family members or friends.

Case study two: Parental consent



Hasina, aged 15, lives in a country where abortion is legal for minors under certain circumstances, but parental consent is compulsory. Hasina is pregnant but does not want to continue with her pregnancy. Young volunteers from the local sexual and reproductive health organization visit her school regularly so she has information about safe abortion. She knows that her personal circumstances make her eligible to have an abortion and parental consent is needed. The young volunteers always highlight the fact that consultations at the local clinic are confidential, even though parental consent is needed for the abortion service itself. So, without informing her parents who are not aware of her pregnancy, she decides to go to the clinic.

What can the health professional do to protect Hasina's confidentiality?

- Inform Hasina that the information she will share will remain confidential.
- Explain that there might be circumstances under which he/she might need to share information, and Hasina will be informed and consulted beforehand.
- Explain to Hasina that in the case of abortion, parental consent is mandatory.
- Encourage Hasina to communicate with one of her parents or guardians.
- Help to facilitate this communication by giving Hasina tips on how to begin the difficult conversation with her parents or guardians.
- Offer to be present when Hasina speaks to her parents or guardians.
- Be aware of and propose alternatives when they exist (e.g. parents committee or judicial review that could provide consent in place of the legal guardians).

A youth-friendly health professional...



- Is aware that young people, just like adults, have a right to privacy.
- Ensure that services are provided with confidentiality.
- Adheres to and follows professional ethical guidelines that provide guidance on protecting confidentiality in health care, including for young people.
- Informs young clients about the right to privacy and confidentiality regarding both the consultations and the medical records.
- Notifies young clients at the beginning of the consultation about the legal restrictions on the duty of confidentiality.
- Seeks young clients' consent before sharing any personal or medical information with third parties.
- Reflects on their values and attitudes and their commitment to confidentiality.
- Does not gossip about medical cases within the clinic or in the community.
- Advocates for changes in policies and laws that restrict access (e.g. parental consent requirements).
- Engages in public education, including with the media, to raise awareness among young people and the wider community on the issue of confidentiality.

Resources



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¹ Carlisle J., Shikle D., Cork M and McDonagh A., Concerns over confidentiality may deter adolescents from consulting their doctors. A qualitative exploration, *Journal of Medical Ethics*, 2006; 32:133-137.

² Spear S. and English A, *Protecting Confidentiality to Safeguard Adolescents' Health: Finding Common Ground*, *Contraception journal editorial*, August 2007.

³ Cook RJ and Dickens BM. *Considerations for formulating reproductive health laws*, 2nd edition. Occasional Paper 3. World Health Organization, Geneva. 2000, p.19.

⁴ Idem, p.20.

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