

Western Chan Fellowship Policy

Disclosure of Personal Information in the Public Interest

Introduction

The Western Chan Fellowship (WCF) Teacher, mentors and Retreat Leaders are frequently entrusted with highly personal information by participants in WCF activities, and it is important that such information is kept confidential. However, very occasionally something might be disclosed where it is essential that the information be shared in the interests of the wider public. This guidance is to help manage such situations should they arise.

Meditation Instructors and Group Hosts are not trained to conduct meditation interviews and so should not be in situations where highly personal information is disclosed. However, if a situation arises where this policy could apply they should contact a more senior member of the WCF and work with that person to apply this guidance.

Confidentiality

Our policy on confidentiality is summarized as follows:

"Private communications to a senior member of the WCF, such as a retreat leader, interviewer, mentor or the Teacher of the WCF are presumed to be confidential. If after reflection the recipient of the communication feels that silence will cause harm and greater good can be accomplished by revealing confidential information, then they must follow their conscience. Consultations with other senior members of the Fellowship are not a breach of confidentiality."

More detail is provided in the WCF confidentiality policy which is published on the WCF website and which should be read in conjunction with this disclosure policy.

Disclosures in the public interest

There are circumstances in which a recipient of confidential information would be required to disclose the information in the public interest. Such disclosures will be extremely rare, but should such a situation arise it is necessary to know what to do and how to proceed.

"In the public interest" means where failure to disclose personal information may expose the participant or others to risk of death, serious physical harm or serious psychological trauma. It also applies to situations where the person admits to a very serious crime that has not been prosecuted. In general these are situations where the public interest outweighs the individual's privacy interest. Such situations arise, for example, where a disclosure may assist in the prevention, detection or prosecution of a very serious crime, especially crimes against persons, such as abuse of children. Another example would be where the participant is suffering from severe mental illness and has revealed that they intend to take their own life imminently.

Personal information may, with a participant's consent, be disclosed in the public interest to a third party such as Social Services, a Doctor or the Police, or, in exceptional cases, where a participant withholds such consent, then, providing the benefits to an individual or to society of the disclosure outweigh the public and the participant's interest in keeping the information confidential, such information may be disclosed without the participant's consent.

Guideline for disclosure in the public interest

The WCF guidance on disclosure of personal information is therefore as follows:

1. Keep a written record of your concerns, discussions and actions.
2. Wherever possible, assuming there is time and others are available, you should talk the matter over with at least one other senior member of the Fellowship or even better arrange a group discussion with more than one other such person. It can sometimes be useful to seek an opinion in principle from the agency (Police, Social Services Child Protection Team, Doctor) you are considering disclosing the information to. You can contact them without disclosing the name of the individual(s) giving concern, discuss the situation and they will be able to advise you as to whether they think they should receive the information.
3. Before considering whether a disclosure of personal information in the public interest would be justified, you must be satisfied that the information you are considering for disclosure is necessary for the purpose, and that it is not practicable to anonymise the information.
4. If you decide that disclosure is likely to be necessary you should, unless there are good reasons not to do so, first try to seek the person's consent. Seeking consent may not be feasible:
 - a. if the person is lacking capacity to give consent (due to their mental state at the time),
 - b. if the person has been, or may be violent,
 - c. because obtaining consent would undermine the purpose of the disclosure (e.g. disclosures in relation to a serious crime).

In all other situations consent should be sought.

5. If you seek consent and the participant withholds it you should ask him/her the reason for such withholding of consent and consider those reasons given if any are provided by the participant, and then decide whether you still consider that disclosure in the public interest is necessary.
6. In all cases where you consider disclosing information without consent from the person involved, you must weigh the possible harm (both to the participant, and to the trust vested in the WCF) against the benefits that are likely to arise from the release of information.
7. If you remain of the view that disclosure without consent is necessary to protect the participant or a third party from death or serious harm, you should decide whether it is feasible to inform the individual that a disclosure will be made without their consent and act accordingly.
8. If after all of the above, you decide to disclose the information you should disclose it promptly to an appropriate person or authority.

The WCF will require you to explain and justify your actions if a complaint is made about the disclosure of identifiable information with or without a person's consent. Therefore you must make a written record of any steps you have taken to seek or obtain consent and your reasons for disclosing information with or without consent, partly so that you can explain your decision and actions at a later date.

1st August 2010

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