



Confidentiality

When a child is placed in a foster home, certain information about his/her background is shared. **This information is confidential and is provided to help the foster family care for the child.**

Many children in care feel a great deal of anxiety about their personal and family life. If stories about their previous life are repeated in school for example, the child can feel very hurt. The child, like each of us, has the right to personal privacy and to have this right respected.

Responsible sharing of information with close relatives or other foster families who are in contact with the child is sometimes necessary and should be done in a considerate manner that will not harm the child or his/her birth family. Foster families must avoid discussing any information concerning a child; (this is not appropriate at local foster families meetings). Information shared with others must be limited to a "need to know" basis, e.g.: doctors, teachers.

Foster parents are entitled to all **known** background information that is relevant to the care of the child. You have the right to say "no" to a placement if you feel that, your family is unable to meet the needs of a child.

For your convenience we have provided information on confidentiality from the *Child and Family Services Act* and *The Children's Services Manual*.

Confidentiality (*Child and Family Services Act*, Section 74)

74(1) Notwithstanding section 18 of The Department of Social Services Act, members of the board, members of family review panels, mediators, officers and employees of the department, members of boards of directors of agencies, officers and employees of agencies, foster parents and all other persons who are employed in or assist with the administration of this Act:

(a) shall preserve confidentiality with respect to:

(i) the name and any other information that may identify a person that comes to their attention pursuant to:

(A) this Act;

(B) The Family Services Act, not including Part III; or

(C) The Child Welfare Act, not including Part II; and

(ii) any files, documents, papers or other records dealing with the personal history or record of a person that have come into existence through anything done pursuant to:

(A) this Act;

(B) The Family Services Act, not including Part III; or

(C) The Child Welfare Act, not including Part II; and

(b) shall not disclose or communicate the information mentioned in clause (a) to any other person except as required to carry out the intent of this Act or as otherwise provided in this section.

(2) The minister, a director or an officer may disclose or communicate information



mentioned in subsection (1) relating to a child to:

- (a) the guardian, parent or foster parent of that child; or
- (b) the child to whom the information relates.

(3) On the request of a person, the minister or a director may:

(a) disclose; or

(b) authorize an officer to disclose;

information mentioned in subsection (1) relating to that person in any form that the minister or director considers appropriate.

(4) Notwithstanding subsection (2) or (3), no person shall, except while giving evidence in a protection hearing, disclose to anyone who is not an officer or a peace officer the name of a person who:

(a) makes a report pursuant to section 12; and

(b) requests that his or her name not be disclosed.

(5) Any information that may be disclosed to the person to whom it relates may, with the written consent of the person to whom it relates, be disclosed to any other person.

(5.1) Information mentioned in subsection (1) may be released where, in the opinion of the minister, the benefit of the release of information clearly outweighs any invasion of privacy that could result from the release.

(5.2) The information mentioned in subsection (5.1) may be released in any form that the minister considers appropriate.

(6) Any disclosure of information pursuant to this section does not constitute a waiver of Crown privilege, solicitor-client privilege or any other privilege recognized in law.

1989-90 cC-7.2 s74; 1992 c21 s4; 1994 c35 s16

Children's Services Manual

"Confidentiality must be addressed in a manner that balances the privacy of the individual while assuring children, families, caregivers and service providers have sufficient information to assure the safety and meet the developmental needs of the child."

Here are some tips that foster parents can use to respect a foster child's privacy:

- Do not post pictures that may contain identifying information of foster children via the internet; Facebook, My Space, email, or any other websites.
- Do not post information pertaining to the foster children; Names, ages, or any identifying information.
- When communicating with others, do not share private information about the foster children in your home.

If you ever have any questions pertaining to confidentiality, or are just unclear about acceptable practices, you may contact the Saskatchewan Foster Families Association (1-888-276-2880) or contact your local Ministry of Social Services office.