

Maintain confidentiality for children and families

Editor's note: The following is intended as a brief overview, not legal advice. If you need more information or have questions, consult an attorney.

Child care programs and preschools collect personal information about the children and families they serve and the staff they employ. Why is this personal information confidential?

It's a fundamental human right, based in the Fourth Amendment to the U.S. Constitution: "The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...." The right "to be secure" has always been interpreted to mean that people have a right to privacy in their homes and other nonpublic places.

Confidentiality is also an ethical standard—that is, a moral principle that governs our behavior. Ethics is important in business because it encourages trust and fairness among people. Businesses have an ethical responsibility to maintain confidentiality on employees, customers, and the company. Ethics is especially important for medical, financial, and legal professionals whose principles include benevolence, honesty, and justice.

Confidentiality applies to all forms of information—written and photocopied records in files, electronic files in a database or on a cell phone, and oral communication with colleagues and friends. If a parent tells you she's getting a divorce, for example, you might say to staff, "We need to be patient with Billy because his parents are getting a divorce." Talking with each other about the matter ("Wonder what happened?" "She should have left that guy long ago.") is gossip and a breach of confidentiality.

How you store information is critical. Keep paper files in a locked file cabinet in a room locked after every business day. Do not leave files lying around

where prying eyes can see them. Consult with a technology expert about how to protect electronic files, using encryption, firewalls, or intrusion detection systems, for example. Train staff how to use and protect confidential information.

CONFIDENTIALITY IS AN ETHICAL STANDARD.

From a practical perspective, confidentiality helps maintain trust in relationships. In child care and education, parents are more likely to trust you and disclose personal information if they believe education professionals—teachers, administrators, and board members—will maintain privacy.

Children's records

Children's records include information such as name, address, and phone number as well health information, permission to participate in certain activities, observation logs, and notes from parent conferences. (In Texas, see the Minimum Standards, www.dfps.state.tx.us/Child_Care/documents/Standards_and_Regulations/746_Centers.pdf.)

Files containing confidential information should be available to program staff who need the information to care for children. For example, if someone other than a parent arrives to pick up a child, a staff member must check the child's file to make sure parents have authorized that person for pick-up before releasing the child.

Children's records may also be reviewed in specific and legally defined situations, such as licensing

inspections and threats to the health and safety of children and families. Domestic abuse is a salient example. If you or a teacher suspects child abuse, for example, you are required by law to report it to authorities. The Texas abuse/neglect hotline is 1-800-252-5400 or www.txabusehotline.org. Phone support for abuse of spouses is available at 1-800-799-7233.

With children, confidentiality extends to their photographs. You are not allowed to use enrolled children's photos on your website or brochure, for example, unless you have written permission from the child's parents.

When a family enrolls a child in your program, let the family know about how you protect their personal information.

Staff and program records

Staff records include qualifications, training, work history, and background checks. Personnel files should be treated like other private documents—kept secure and made available only to people who have a legal and valid reason to look at them. A supervisor may need to look at past performance evaluations when deciding about promoting an employee, for example, or to look at salary information when deciding the salary of a new employee.

An employee's medical records must be stored separately from general personnel files, however, to comply with federal law, including the Health Insurance Portability and Accountability Act of 1996 (HIPA).

What if another employer calls you for a reference on a former employee? The short answer is tell the truth. But be sure you can prove in court the truth of what you say. This can be tricky when you are asked, for example, why you fired someone.

In addition, your program may have information about its curriculum, finances, software, and other aspects of its operation that should be safeguarded. This may be proprietary information that the owner wants kept secret, especially if it might give a competitor an unfair advantage. In this case, you may need employees to sign a commercial confidentiality agreement, or NDA (non-disclosure agreement).

Violations of confidentiality

Breaches in confidentiality can be serious, damaging your program's reputation among families and in the wider community. Some cases may involve lawsuits and monetary penalties.

To avoid such outcomes, develop a confidentiality policy and train employees in proper handling and storage of sensitive information. A general rule: Don't divulge information about children and families to people who don't need it. ■

Block unwanted calls

“Hello, you have just won a cruise to the Bahamas!” If you’re like most businesses, you get several unwanted calls like this a month.

Perhaps you have come up with a courteous but firm response, such as “Thank you, but we’re not interested,” or in the case of a robo call, you simply hang up.

You can block such calls in several ways, according to the Federal Trade Commission:

- A mobile call-blocking app will allow you to create a blacklist of blocked numbers, or a whitelist of allowed numbers on your cell phone.
- Your mobile phone may have a built-in function for blocking numbers or set hours for “Do not disturb.”
- Your phone service carrier may have ways to block calls not only on cell phones but also on landline, cable, and Internet services. Your carrier may also give you information about a cloud-based service.
- You may be able to buy a device to install directly on your home phone.

For details, see the commission’s website at www.consumer.ftc.gov/articles/0548-blocking-unwanted-calls.

You may also have had the phone ring, and there’s no answer. What may be happening is that an automated computer system is calling your number—and thousands of others—and compiling a list of potential targets for scams.

Subsequent calls may be robo callers asking for your credit card number, Social Security number, and other personal details. At present, the best solution, according to the Federal Trade Commission, is to just hang up.

For more information, see www.npr.org/sections/alltechconsidered/2015/08/24/434313813/why-phone-fraud-starts-with-a-silent-call. ■

BUILDING A BUSINESS

Value your volunteers

As an early childhood program, you can use volunteers in many ways—as aides in the classroom, translators, tutors for children struggling with literacy or math concepts, helpers for children with special needs, monitors at meals or on the playground, and organizers of fundraisers.

SERVICE TO OTHERS IS THE RENT YOU PAY
FOR YOUR
ROOM HERE ON EARTH.

MUHAMMAD ALI

You can appeal to parents, retirees, and other people in the community by including inspirational quotes in your remarks to them in letters, email messages, and speeches at recruitment and appreciation events. Here's a sampling:

The Dalai Lama: "If you think you're too small to make a difference, try sleeping with a mosquito."

Muhammad Ali: "Service to others is the rent you pay for your room here on Earth."

Audrey Hepburn: "As you grow older, you will discover that you have two hands—one for helping yourself, the other for helping others."

William Shakespeare: "The meaning of life is to find your gift. The purpose of life is to give it away."

Winston Churchill: "We make a living by what we get, but we make a life by what we give."

Sherry Anderson (Charity Republic.com): "Volunteers don't get paid, not because they're worthless, but because they're priceless."

Sources include <https://blogs.volunteermatch.org/engagingvolunteers/2016/04/14/inspire-your-volunteers-with-these-18-famous-quotes/>. ■