

## **GBEAA – STAFF CONFIDENTIALITY**

**INTRODUCTION** It is the policy of the Epping School District to respect the privacy, dignity, and confidentiality of all students by protecting student records, medical information, and other personally identifiable sources of information as outlined in student records and HIPAA policy. This policy also applies to employee records and medical information as outlined in personnel records and HIPAA policy. Records include all information in hard copy or electronic form.

**PERSONALLY IDENTIFIABLE INFORMATION** - It is the policy of the District that personally identifiable information should only be viewed or received by District employees who have a “legitimate educational interest” in viewing or receiving the information, as well as those officials involved in a supervisory capacity over the school in which the students are enrolled or the employee is assigned. (An employee with a “legitimate educational interest” is defined as an employee of the District who has a responsibility for developing an appropriate educational program for the student in question.)

Employees of the District who have access to personally identifiable information shall keep such information confidential and shall not share information with others who do not have a legitimate educational or supervisory interest in such information. When receiving an inquiry from individuals who are not specifically known to be qualified to receive the information, the employee shall consult the School Principal who shall follow the District's policy regarding student records, personnel records, and HIPAA.

Employees receiving personally identifiable information shall safeguard the information from dissemination to unauthorized parties. Steps should be taken to insure that personally identifiable information does not accidentally find its way into the public domain. Steps include, but are not limited to, not discussing confidential information in open areas of the school building or on school grounds, in front of students, in front of other staff who do not provide direct services to the student in question, and in front of volunteers, visitors, or other adults. Diagnostic statements should also not be made about the health of a staff member or student.

**MEDICAL INFORMATION** - Medical records and/or information shall be shared with school officials and employees who have a legitimate “need to know” such information. Such medical information shall be safeguarded with an exception for emergency medical personnel. A “need to know” is defined as employees of the District who have a responsibility for developing an appropriate educational program for the student and/or who have an involvement or responsibility for the safety and well-being of the student in question, or other such students, requires the disclosure of personally identifiable information. Similar safeguards shall be in place for personally identifiable medical information concerning employees of the District.

**OBSERVATIONS** - During the course of carrying out activities as an employee or volunteer of the District, individuals may make certain observations that may disclose personally identifiable information about a student. These observations may indicate the nature of disabilities and/or accommodations that are made in response to such disabilities. These observations, by their very nature, may result in the employee or the volunteer receiving information in which they neither have any legitimate educational interest nor a “need to know”. To the degree such observations

disclose personally identifiable information, the employee or volunteer in question making such observations must respect the privacy, dignity, and confidentiality of the student involved and not disclose such information in violation of this policy.

**VIOLATIONS** – The dissemination of personally identifiable information by employees or volunteers to individuals who have neither a “legitimate educational interest” nor supervisory capacity nor a “need to know” is strictly prohibited. Further, employees or volunteers are not to disclose such personally identifiable information to individuals who are not affiliated with the District without specific authorization.

Employees or volunteers who release personally identifiable information in violation of this policy shall be subject to discipline and/or exclusion from continuing participation in volunteer activities. Such discipline shall be severe and may include, but not be limited to, termination.

Statutory/Regulatory/Policy/Handbook Cross References

Policy GBJ (Personnel Records)

Policy GBJA (Health Insurance Portability and Accountability Act (HIPAA))

Policy JRA (Student Records and Access)

Policy JRA-R (Procedures for Student Records and Access)

Policy JRA-R (Notice of Directory Information)

Policy JRA-RR (Notification of Rights Under FERPA)

Handbook (Referenced in Personnel Handbooks)

APPROVED: July 20, 2006