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CLIENT PRIVACY AND SOCIAL WORK:
A COMPARISON BY AGENCY FUNCTION

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ABSTRACT

This study examines the effect of agency function or purpose on the handling of client privacy issues in social work agencies. Practitioners working in public and private agencies were compared. The data revealed that, more than those in private agencies, social workers in public agencies: (1) thought that their work would be more affected if they could not rely on outside sources for information about clients; (2) were more often requested to supply information about clients to outside sources; and (3) were more likely to reveal information about clients as a form of ethical dilemma resolution. It is suggested that compliance from clients is the primary social reward sought by practitioners in public agencies and that client information is used as an instrument of power in obtaining it. Practitioners in private agencies, on the other hand, seek different social rewards and tend to be more protective of client privacy.

Dilemmas about what to do with client information are frequent in social work and other human service situations. At the heart of these concerns is the extent to which this information should be kept confidential. As an ethic, confidentiality requires that such information not be disclosed to third parties unless authorized by the client or in unusual circumstances (Shan, 1970). The latter has usually been thought to portend danger to the client or others (Jagim et al., 1978).

The issue of confidentiality has been addressed in social work and related literature (see, for example, Arnold, 1970; Noble, 1971; Reynolds, 1976; and Wilson, 1978). Yet, there has been little accompanying empirical work. The purpose here is

to report the findings of a study on how knowledge about clients, specifically the gathering and exchange of information and resolution of ethical dilemma situations, is affected by the function or purpose of the employing agency. Opinions about general privacy issues were also obtained.

BACKGROUND

Confidentiality in the human services is based on protection of an individual's right to privacy. Privacy requires the ability to control what is to be communicated about oneself, to whom, and under what circumstances (Marshall, 1972). It can be maintained by one's own efforts and, in addition, by others who have access to the information one desires to control. Confidentiality, then, has both an inward-control dimension and an outward-control dimension.

Inward- and Outward-Control Dimensions of Confidentiality

As suggested above, inward-control of confidentiality implies self-control over what information is shared or withheld. The outward-control dimension is manifested when an individual, who has information about another, controls whether it is shared with or withheld from third parties. Therefore, one's privacy can be protected not only inwardly but, in a confidential relationship, by the other(s) involved.

The outward-control dimension of confidentiality has particular pertinence for social work. In some practice situations the loss of privacy may be forfeited by the client as in the case of voluntarily sought therapy. The client most likely trusts that the outward-control dimension will be operative. In other social work settings, however, the client's privacy may be routinely encroached as in the case of involuntary clients who appear to require mental health or protective services.

The availability of the outward-control dimension of confidentiality appears to reflect status differences within society. The relationship between privacy and status may be curvilinear, those with the highest status (e.g., movie stars and presidents) and lowest status (e.g., children, welfare clients, prisoners, the institutionalized elderly, the mentally and physically ill, and morally stigmatized) have least access to outward-control of privacy (Warren and Laslett, 1977). It is the latter category of people which most often receives

services in public agencies and in many instances access to outward-control of confidentiality may be denied to them. In order to receive services such as foodstamps, welfare benefits, or Medicare, information must be given which is likely considered confidential by most citizens and, presumably, could be revealed to third parties.

Public-Life Versus Private-Life Secrecy

Another set of labels regarding privacy is between public- and private-life secrecy. Information about one's life remains secret or confidential by the mechanisms of inward- and outward-controls or becomes public "on the part of those in power and their agents, acting purportedly in the public interest" (Warren and Laslett, 1977:47).

Although ideal types, social service agencies can be viewed as public-life or private-life. Private-life agencies include adoption and selected mental health services. Services from these agencies are for the most part obtained voluntarily. Clients also willingly share personal life secrets with representatives of these agencies. Public-life agencies include those which provide protective services (child and adult), probation and parole services, and selected mental health services. Their representatives often obtain information coercively and involuntarily as they act to discover how private-life secrets are relevant to public life. Public-life agencies, then, are aggressive in obtaining private-information and making it public while private-life agencies are passive and protective of such information. It would seem, then, that practitioners in each type of setting would require differing opinions on client privacy issues. The study discussed here compared the opinions of practitioners in public- and private-life agencies concerning client privacy, information gathering and exchange, and the resolution of ethical-dilemma situations.

METHOD

Sample Selection

A stratified sample of public- and private-life agencies was selected from the Directory of Social Services and the telephone directory of a large southwestern city. Those agencies about which there was some doubt concerning the voluntary or involuntary status of clients such as social services in hospitals and drug and alcohol treatment centers were

excluded.

The voluntary/involuntary status of agencies was determined primarily on the basis of legal sanction for services. Those agencies whose clients were determined on the basis of court referral or legal mandate were classified as involuntary or public-life agencies. The public-life agencies sampled included: probation and parole departments, child protective services, inpatient psychiatric services, and agencies that perform court-ordered social studies. The private-life agencies sampled were primarily those offering voluntary psychotherapeutic services.

The Questionnaire

Data were collected through a pre-tested opinion questionnaire. A total of 108 questionnaires were mailed once in November, 1981. Sixty were sent to practitioners in agencies whose services were primarily public-life, forty-eight to practitioners in agencies whose services were primarily private-life. Sixty four (59 percent) usable questionnaires were returned. Twenty-six were from public-life agencies, thirty-eight from private-life agencies.

Description of the Sample

Sixty-seven of the respondents were female. Age ranged from twenty-three to sixty-two years; the average age was thirty-six. Sixty-four percent had a masters degree; of those 48 percent obtained this degree in social work. All respondents employed in private-life agencies had a masters degree compared to 40 percent of those employed in public-life agencies.

Respondents had been with their current place of employment an average of 5.3 years. Twenty percent had been employed one year or less. The average length of total time employed in social service was 10 years.

RESULTS

General Opinions

When asked to agree to disagree, on a four point scale, with general statements about client privacy (Table 1), a majority of both groups agreed that: "For services with my agency the client is entitled to withhold information from the

TABLE 1
GENERAL OPINIONS ABOUT CLIENT PRIVACY BY AGENCY TYPE

Opinion Item	Public-Life Percent Agreement (N=26)	Private-Life Percent Agreement (N=38)
Client entitled to withhold information	50.0*	78.9*
Agency sharing eliminated	15.0	23.7
Privileged communication	23.1*	78.9*
Case records destroyed	11.5	00.0

* Chi square $p < .05$

worker even if it means less progress in treatment." However, agreement in private-life agencies was significantly higher (79 percent versus 50 percent, $p < .05$). More than three quarters (79 percent) of the private-life respondents also agreed that: "Communication between worker and client should be considered privileged, e.g., the social worker should not be required to give testimony in court as to what has taken place between the worker and client."¹ This contrasted with only 23 percent agreement from public-life respondents ($p < .05$). In both groups, few agreed that: "Much information sharing between agencies should be eliminated" or that: "Case records should be destroyed after the case has been closed." Even though less than a quarter of the private-life respondents agreed that

¹ Disclosures in judicial proceedings raise issues of privilege; confidentiality concerns issues of privacy outside of the courtroom. See Shaw (1969).

information sharing should be eliminated, they reported less reliance than public-life respondents on sources other than the client for information. This finding is discussed later.

The Sharing and Exchange of Information

Reliance on outside sources for information. Respondents were asked how their work would be affected if they could no longer receive information about clients from a list of sources (Table 2). Responses ranged from little, somewhat, to a great

TABLE 2
EFFECT ON WORK IF INFORMATION SOURCE
ELIMINATED BY AGENCY TYPE

Source	Public-Life Percent High Effect	Private-Life Percent High Effect
Client family	80.8	50.0
Hospital or physician	57.7	36.8
Schools	57.7*	28.9*
Public agencies	73.1*	18.4*
Law enforcement	80.8*	7.9*
Private agencies	26.9*	13.2*
Employer	26.9*	13.2*
Friends and/or neighbors	46.2*	5.3*
Attorney	23.1	7.9

* Chi-square $p < .05$

deal. All respondents felt they would be somewhat affected on a majority of the sources. Public-life respondents however, reported the probability of being highly affected on all sources to a greater degree than did the private-life respondents. The differences were significant ($p < .05$) on six of nine sources. The clients' family appeared to be of highest importance as a source of outside information for private-life respondents. For the public-life respondents, both the family and law enforcement were highest in importance, followed by hospitals or physicians, schools, and public agencies.

A moderate association ($r = .54$) occurred between the frequency of court testimony and the amount of reliance on outside sources for information about clients. Respondents who testified in court frequently or occasionally relied more heavily on outside sources for information about clients than those who gave testimony seldom or never.

Frequency of outside requests for release of information.

A moderate association ($r = .41$) also occurred between the frequency of court testimony and requests from outside sources to release information about clients. The more frequently workers testified in court the more often they were requested by others to supply information to outside sources. Those employed by public-life agencies testified in court more frequently than those employed in private-life agencies. The most frequent request sources for the public-life respondents were law enforcement, attorneys, and public agencies. The private-life respondents had notably low requests from all sources (Table 3).

TABLE 3
SOURCES FREQUENTLY REQUESTING INFORMATION BY AGENCY TYPE

Source	Public-Life Percent High Request	Private-Life Percent High Request
Public agencies	42.3*	18.4*
Law enforcement	53.8**	10.5**
Attorney	42.3**	7.9**
Private agencies	23.1	15.8
Hospitals or physician	23.1	13.2
Schools	11.5	13.2
Employees	3.8	00.0

* Chi-square $p < .05$

** Chi-square $p < .01$

Types of information gathered. The respondents were asked to indicate how often they gather information of different types in order to perform services provided by their agencies (Table 4). A majority of all respondents frequently obtained information on topics regarding the clients' marital status, family, work, self-esteem, and use of drugs. A majority of public-life respondents also frequently gathered information about spare time usage and arrest record whereas a majority of private-life respondents also gathered information frequently about personality and thoughts of suicide.

A significant difference occurred between sphere of employment and the gathering of four types of information. Workers employed in the public sphere gathered information about clients' arrest records to a significantly greater extent than did

TABLE 4
FREQUENTLY GATHERED INFORMATION BY AGENCY TYPE

Information Type	Public-Life Percent High	Private-Life Percent High
Family size	88.5	94.7
Marital status	84.6	92.1
Family mobility	80.8	78.9
Self esteem	69.2**	81.6**
Career or work history	76.9	73.7
Family income	69.2	71.1
Feelings towards parents	65.4	71.1
Use of drugs	76.9	60.5
Thoughts of suicide	42.3	67.6
Personality assessment	42.3*	57.9*
Spare time usage	50.0	47.4
Heterosexual/homosexual orientation	34.6	47.4
How income is spent	38.5	39.5
Arrest record	61.5**	21.1**
Intelligence	42.3	28.9
Whether money is saved/how much	30.8	31.6
Past sexual experience	.7.7**	47.4**
Vocational aptitude	42.3	21.1
Religious beliefs	26.9	23.7
Political beliefs	00.0	5.3

* Chi-square $p < .05$

** Chi-square $p < .01$

private-life workers ($p < .01$). Workers employed in the private-life sphere gathered information to a significantly greater extent about clients' self-esteem and past sexual experiences ($p < .01$), and personality ($p < .05$).

Resolution of Ethical Dilemma Situations

The ethical dilemma scale consisted of six items designed to measure the probability of revealing or keeping confidential information disclosed by the client in a social work practice situation. Each item presented a situation that could have negative or dangerous consequences if the practitioner did not disclose the information and what could be interpreted as a breach of confidentiality if the practitioner did disclose this information. The six items included:

1. A violent crime (murder, sexual assault) that the client has committed recently.
2. A non-violent crime involving a large amount of money (stealing, embezzlement) that the client has recently committed.

² See Jagim et al. (1978) for a discussion of the position that confidentiality should be absolute. Under no circumstances would confidentiality be broken. Also noted is the conflict with legal statutes in many states requiring disclosure of information related to situations of danger to the welfare of others. Also see Bernstein (1977) who claims that whether in a public or private agency, social workers "are being asked with increasing frequency to testify as experts on such matters as adoption, the custody of children, or a client's state of mind during a given period. They also furnish opinions as to what would be in the best interest of children in many kinds of litigation. In addition, they are frequently called on to reveal information they have gained during individual and group sessions." Although the social worker may agree not to disclose information to a third party, s/he can be "subpoened to court, records in hand, and forced under contempt to testify fully and completely, under oath as to what was said before the parties and what was recorded during such exchanges."

3. A violent threat made by the client against a family member.
4. A welfare client earning several hundred dollars that has not been reported.
5. A violent threat made by the client against yourself.
6. A serious suicidal threat made by the client.

Respondents were asked to indicate their opinion of whether or not they would reveal this information and, if so, to whom.

A majority of the total group of respondents indicated that they would reveal to third parties, excluding a supervisor or other workers, information regarding a client in five out of six ethical dilemma situations. The highest projected disclosures (80 percent) related to the client committing a violent crime or threatening suicide. Sixty-three percent would also disclose a violent threat made to a client's family or to the practitioner, 56 percent, a nonviolent crime. The only item less than half of all respondents would not reveal involved welfare fraud.

To reveal or not reveal information regarding ethical dilemmas did not appear to be associated with variables such as the frequency of court testimony, highest degree obtained, sex, age, length of time employed by the current agency, or experience in social services. However, when sphere of employment was taken into account, public-life workers indicated they would reveal all information to a greater degree than would private-life workers. As shown in Table 5, the difference between the two groups was significant ($p < .05$) in four out of six dilemmas.

Table 5 shows the differences between public- and private-life practitioners on the individual items. Respondents were asked to indicate whether or not they would reveal the information and the source of the revelation.

Violent crime. If the client were to recently commit a violent crime, 96 percent of those employed in public-life agencies indicated that they would reveal this information to others as compared to 68 percent employed in private-life agencies. This relationship was significant ($p < .05$). Approximately 85 percent of both groups of disclosers indicated that

TABLE 5

ETHICAL DILEMMA BY AGENCY TYPE AND SOURCE OF DISCLOSURE

Ethical Dilemma Situation	<u>Public-Life Sphere</u>		
	Percentage who would disclose (N=26)	Most frequent disclosure source by percentage	
	%	Source	%
Violent crime	96.2*	law	84.3
Nonviolent crime	84.6*	law	82.2
Violent threat family member	69.2	law	58.1
Welfare client's unreported income	69.2*	responsible agency	72.2
Violent threat practitioner	80.8*	law	75.2
Suicidal threat	88.5	client's family	33.1

Ethical Dilemma Situation	<u>Private-Life Sphere</u>		
	Percentage who would disclose (N=38)	Most frequent disclosure source by percentage	
	%	Source	%
Violent crime	68.4*	law	85.1
Nonviolent crime	36.8*	law	62.3
Violent threat family member	60.5	person threatened	67.2
Welfare client's unreported income	26.3*	other	44.2
Violent threat practitioner	50.0*	other	55.3
Suicidal threat	76.3	client's family	63.2

* Chi-square $p < .05$

they would probably report the incident to a law enforcement agency.

Nonviolent crime. If the client were to reveal a non-violent crime, such as stealing or embezzlement, 85 percent of the respondents employed in public-life agencies and 37 percent employed in private-life agencies indicated that they would reveal this information. The relationship was significant ($p < .05$).

Most disclosers in public-life agencies (82 percent) stated that they would give this information to law enforcement officials; 62 percent of disclosers employed in the private-life agencies would do the same. Others in private-life agencies would reveal this information to sources such as their own lawyer for advice or members of their own family. Several stated they would disclose such information to others only after failing to convince the client to report this information to the proper authorities.

Violent threat against family members. The majority of respondents in each group (69 percent, public-life; 61 percent private-life) indicated that they would disclose to others a violent threat against a family member. Fifty-eight percent of disclosers employed in public-life agencies would report this information to law enforcement officials as compared to only 8 percent of disclosers employed in private-life agencies. Sixty-seven percent of disclosers employed in private-life agencies stated that they would tell the person against whom the violent threat was made.

Welfare client's unreported income. If a welfare client were to disclose unreported income of several hundred dollars a year, 69 percent of those employed in the public-life agencies indicated that they would report this information compared to 26 percent of workers employed in private-life agencies. This relationship was significant ($p < .05$).

The majority of all respondents (59 percent) who stated that they would reveal unreported income to others indicated that it would be reported to the agency responsible for welfare allotment. Twenty-eight percent of disclosers employed in public-life agencies stated that they would report this to law enforcement officials. Several of the disclosers in private-life agencies stated that they would report this information only if asked directly by a representative of the welfare agency or if subpoenaed by a court.

Violent threat against the practitioner. If a client were to make a violent threat against the practitioner, 81 percent of those employed in public-life agencies and 50 percent of those employed in private-life agencies stated that they would disclose such a threat. This relationship was significant ($p < .05$). Seventy-five percent of the disclosers employed in public-life agencies stated that they would report the information to a law enforcement agency. Fifty-five percent of the disclosers employed in private-life agencies stated that they would report it to other sources such as an attorney or their own family. Sixty-eight percent of the female disclosers and only 27 percent of the male disclosers stated that they would report a violent threat against themselves to law enforcement officials. The majority (72 percent) of males indicating disclosure stated that they would report a violent threat made by a client to their attorney or family.

Suicide threats. Eighty-nine percent of public-life and 76 percent of private-life respondents stated that they would reveal to others a serious suicidal threat made by a client. The most frequent disclosure source was a member of the client's family, 63 percent for private-life respondents and 33 percent for public-life respondents.

DISCUSSION

This research study examined the effect of agency purpose or function on practitioner's general opinions regarding client privacy, the gathering and exchange of information about clients, and the resolution of ethical dilemma situations involving privacy issues. Social agencies can be seen as functioning in one of two spheres with regard to clients. Agencies which are legally sanctioned most often provide services that are involuntary. Private information is felt to be relevant to public life. These settings were termed public-life agencies. Private-life agencies provide essentially voluntary services and are more passive and uncontrolling toward the client. Protection of client privacy is integral to the agency's service.

The data in this study support a greater social control function for public-life agencies in contrast with private-life agencies. Workers in public-life agencies testified more frequently in court, relied more heavily on sources other than clients for information and were more frequently requested to supply information about clients to outside sources.

The social control emphasis of the public-life sphere is also seen in responses to vicarious ethical dilemma situations involving client privacy. Public-life practitioners were more likely to reveal information to others as a form of ethical dilemma resolution than were private-life practitioners. In addition, workers in public-life spheres most frequently selected disclosure sources that would be potentially punitive to the client such as a law enforcement agency.

Courses of action for the social worker in both public- and private-life spheres appear to be largely defined and limited in terms of the agency's function within society. Consequently, worker choices are not necessarily autonomous, but are regulated by the employing agency. As one public-life worker noted: "These answers are related to how one has to function within the demands of the job, not personal philosophy." A protective service worker stated: "Although I believe in client privacy so far as the general public is concerned, it is necessary in our work to gather and share information with other agencies and the courts." This disjuncture between private and/or professional values and agency policy is likely to produce conflict situations for the practitioner, particularly if employed in a public-life agency. Social work has traditionally advanced a cooperative form of service delivery but many interventions, especially with involuntary clients, are characterized by conflict rather than cooperation (Murdoch, 1980).

Differences between public- and private-life agencies in the handling of privacy issues can also be viewed in terms of the differences in rewards sought by public- and private-life practitioners from their clients. According to Blau (1964):

...human beings tend to be governed in their associations with one another by the desire to obtain social rewards of various sorts, and the resulting exchanges of benefits shape the structure of social relations.

Blau conceptualized four general classes of social rewards: (1) money, (2) social approval, (3) esteem, (4) compliance. Although all practitioners might seek any social reward from their clients from time to time, those in each sphere appear to emphasize different ones. This may influence the contrast between the two spheres in the handling of client privacy issues.

The primary social reward sought by public-life practitioners appears to be compliance from their clients. They have

legally sanctioned power to provide a social control function for society (e.g., attain client compliance with various rules). They may, then, use information about clients as a way to extract compliance from them. The use of private information may prevent clients from receiving their own desired rewards such as return of a child, release from an institution, or the closure of their case. Just the threat of using private information which might have negative consequences for clients would seem to be a controlling sanction in gaining their compliance.

Private-life practitioners do not overtly seek compliance as a primary reward from their clients. The interrelationship between client and practitioner is also more balanced than that of the public-life practitioner and client. If social rewards are not obtained by either party, the relationship can be terminated by either party. Essentially, then, the reward of compliance may determine the difference in public- and private-life agencies in the handling of client privacy issues.

REFERENCES

- Arnold, Selma
1970 "Confidential communication and the social worker."
Social Work 15:61-67.
- Bernstein, Barton
1977 "Privileged communications to the social worker."
Social Work 22:264-268.
- Blau, Peter
1964 Exchange Power In Social Life. New York: Wiley.
- Jagim, Ryan D., William D. Wittman and John O. Noll
1978 "Mental health professionals' attitudes towards confidentiality, privilege and third-party disclosure." Professional Psychology 9:458-467.
- Marshall, Nancy
1972 "Privacy and environment." Human Ecology 1:93-110.
- Murdoch, Allison D.
1980 "Bargaining and persuasion with non-voluntary clients." Social Work 25:458-461.

- Noble, John H. Jr.
1971 "Protecting the public's privacy in computerized health and welfare information systems. Social Work 16:35-41.
- Reynolds, Mildred M.
1976 "Threats to confidentiality." Social Work 21:108-113.
- Shah, S.A.
1969 "Privileged communication, confidentiality and privacy: privileged communications." Professional Psychology 1:56-69.
1970 "Privileged communications, confidentiality and privacy: confidentiality." Professional Psychology 1:159-164.
- Warren, Carol and Barbara Laslett
1977 "Privacy and secrecy: a conceptual comparison." Journal Of Social Issues 33:43-51.
- Wilson, Suana J.
1978 Confidentiality In Social Work: Issues And Principles. New York: Free Press.