

# An inadvertent breach of confidentiality



**ASSIGN  
BUSTER**

An Inadvertent Breach of Confidentiality Name: Institution: Course: Date: An Inadvertent Breach of Confidentiality Introduction When counseling patients provide information about their condition or issues, they expect total confidentiality on the part of the caregiver especially on personal information. Breach of confidentiality could harm the client in many ways and even lose trust of ever consulting a care provider. Additionally, if such information reached people that could be affected in any way, it could raise conflict between the client and the person accessing information while he or she is not allowed (Welfel 2012). Despite many efforts to ensure confidentiality, inadvertent breach of confidentiality does happen. When it occurs, it is no exemption to the effects realized. It has equal consequences just as any other breach of confidentiality as evidenced in the case of Gwen when a third party, who happened to be a sister to one of her clients, accessed the information.

Conflict arose between the two, which caused an undesirable consequence to the client. Case Study Summary Gwen is a master's level student in the second semester of her internship at the counseling center in the university. She has been doing well, which has gained her the confidence to take up cases that are more complex. Her first complex case is on a suicidal client. She has missed several weekly supervision sessions with the site supervisor, citing that she has other commitments and that she gets enough supervision from the counseling program. During her internship, she is required to submit notes for all the clients to the counseling center. She chooses to use her laptop to record the notes for all her clients in order to save time since she would have to wait to access the office computer. She transfers the

notes later when she gets the chance to use the computer after the other interns have.

She has been reminded to keep the notes confidential and to transfer them to the office computer every day. In the previous week, she was ill and did not report to work for the half of the week. She would have to transfer the notes to the office computer on Monday. However, before she could transfer the notes that morning, her friend Adrienne, taking up an advanced degree in business, borrowed her laptop to finish a report that was overdue. After seeing, a file on the desktop named confidential, curiosity got her. She double clicked and saw the names of the clients with notes under them.

One of the 20 clients was her younger sister who has been battling with suicidal thoughts after breaking up with her boyfriend. She calls her and confronts her over the issue she has just read. The client is quite upset by the confrontation and calls the center to complain about the incident. An inadvertent breach of contract occurs. Ethical Decision-Making Process Using Corey's 8 Step Step 1: Identifying the Problem or Dilemma In this case, a problem exists where a third party who is not supposed to access information about a client has accessed it, resulting in a breach of confidentiality.

Although it was not intentional, its effect has been great where the trust is lost between the counselor and the client. The problem is both ethical and professional as well. It is ethically wrong to fail in maintaining confidentiality as well as lack of professionalism in saving the notes on a desktop where anybody could see them (Welfel 2012). Gwen should have tried to save the

confidential files further from people's view. Additionally, carrying confidential information at home is lack of professionalism. This was also a breach of legal obligation where the counselor is supposed to protect the information provided by the clients. Step 2: Identifying Potential Issues The potential issues include counseling relationship, confidentiality and professional responsibility.

A counseling relationship is based on trust considering the clients providing of personal information that should remain confidential. Counselors are prohibited from engaging in nonprofessional relationships with clients that include family members of the clients. In this case, the counselor has a relationship with the client's sister although she did not know this before. Relationship with family members should only be in cases where the relationship would be of benefit to the client. On confidentiality matters, counselors are supposed to protect client's information under all circumstances. In this case, the counselor should have taken all available precautions to protect the client's information. After such a breach of confidentiality, trust is lost, and it becomes hard to regain it. Counselors have a professional responsibility of maintaining confidentiality, as well as leaving client's information at the office except when they need to use it for professional purposes outside the work place.

Step 3: Review of the Relevant Codes The first code of conduct in counseling is confidentiality. Under this code of conduct, a counselor is responsible for holding the information provided by the client, confidential under all circumstances. Any information obtained in the course of providing professional services to a client should always be protected from other

<https://assignbuster.com/an-inadvertent-breach-of-confidentiality/>

people as required by the law under different settings (National Counseling Society 2013). Counselors should ensure that clients' notes and records are kept secure and confidential, as well as ensuring that computer recorded data should conform to Data Protection Act.

Those, kept in computers should be password protected from other unauthorized parties. Under this code, Gwen should have made the effort of password coding the document containing the confidential files. Any file that can be easily accessed does not guarantee confidentiality.

**Step 4: Applicable Laws and Regulations** The rules and regulations that apply to this case are the same as the codes of conduct concerning the case. This is about the obligation of confidentiality and professionalism. After the complaint is sent in by the client, the applicable law will be enforced by complaints committee. In this case, the committee will launch an investigation about the situation in order to determine whether the incident warrants a cautioning or counsel. In this case, a caution is whereby the complaints committee determines, " a member has breached the standards of professional ethics or practice expected of members, but the breach does not constitute professional misconduct," (Counseling Therapists Act, 2008). Caution would be applicable in this case, considering that Gwen did not commit any professional misconduct.

The regulation of the counseling center concerns the fact that all information should be recorded in the office computer. This regulation is applicable to this case considering that she failed to transfer the notes to the office computer. **Step 5: Obtaining Consultation** In order to obtain the consultation,

I would go to the site supervisor as well as the instructors within the counseling program in the school. I would also consult colleagues in order to have different perspectives.

One of the questions that I would ask during consultation would include “ what would be the best thing to do in order to solve the incident”. The other question would be whether including the client during consultations would be appropriate in order to regain trust. In this case, considering a third party who is a family member, I would need to know whether it would be valuable to include her in the consultation process or consult with her individually in order to stop her from getting in the way of the therapy (Wendel 2007). Step 6: Possible and Probable Courses of Action The first action would be to consult several people within the center including supervisors and colleagues on possible actions to solve the incident. Several ideas could come of it, from which I could select the best option. The other action would be requesting the client to come in for a session concerning the incident. This could help in clarifying the issues and trying to regain the trust. In this case, trust has been lost, and there is a need to prove that it was not intentional to both the client as well as the counseling center.

The other probable course of action would be filing or suing the center for breach of confidentiality or failing to protect the client’s information. Step 7: Various Consequences of the Courses of Action Some consequences could be brought about by the courses of action mentioned above, especially if the client decides to sue the center. One of the consequences is that the student, Gwen would be dismissed or given a warning. Considering that she had an obligation to ensure that she transferred the notes on her clients to <https://assignbuster.com/an-inadvertent-breach-of-confidentiality/>

the office computer, failing to do this caused the breach of confidentiality. If the client was called for consultations, it would mean letting more information out to the rest of the people who would hear her case.

On the other hand, having a consultation that does not need to involve many supervisors would be better since the client would give consent to the access of her information. The first option of consulting several people in the issue for different perspectives about it would be a good way of getting courses of action that would be best for the situation. However, this does not mean a solution to use. Rather, it provides courses of action that are available for dealing with the incident (Corey et al, 2010). Step 8: Best Course of Action  
The best course of action would be clarifying things with the client.

Although this might be hard, it might serve to ensure the client that such an incident will never happen again and that it was not intentional. Proving that it was not intended will serve as a prove to the client that her rights were not violated willingly. Rather, it was an accident as well as a coincidence that the incident happened. Although trust might have been lost, this could allow the client to think about the incident from a different perspective as opposed to thinking that it happened out of malicious intent. Additionally, I would tell the client that confidentiality will be observed and her sister will be warned about such intrusions and the consequences they could have in order to stay away, which will enable the therapy to continue without any as before.

Conclusion To sum everything up, it should be mentioned that whether it was an inadvertent breach of confidentiality or intentional, the effect is the same.

When confidentiality is lost, trust is lost as well. In this case, the student should have ensured to secure the confidential information in order to prevent people from accessing it. In cases of counselor and patient or client, when confidentiality is lost, unlike a financial relation breach where financial damages can be offered, a doctor patient relationship is hard to restore, since one may not wish to continue with services after trust is missed. Therefore, all precaution and protection of information should be taken to ensure confidentiality is not lost (Hendrick, 2000).

References Counseling Therapists Act. (2008). Counselling Therapists Regulations made under Section 12 of the Counselling Therapists Act.

Retrieved from [http://gov. ns. ca/just/regulations/regs/ctcounsther. htm](http://gov.ns.ca/just/regulations/regs/ctcounsther.htm)

Corey, M. S.

, Corey, G. & Corey, C. C.

(2010). Groups: Process and Practice. New York, N. Y: Cengage Learning.

Hendrick, J. (2000). Law and Ethics in Nursing and Health Care.

New York, N. Y: Nelson Thornes. National Counseling Society. (2013). Code of Ethics. Retrieved from: [http://www. nationalcounselingsociety.](http://www.nationalcounselingsociety.org/about/code-of-ethics/)

[org/about/code-of-ethics/](http://www.nationalcounselingsociety.org/about/code-of-ethics/) Welfel, E. R. (2012). Ethics in Counseling & Psychotherapy: Standards, Research, and Emerging Issues.

New York, N. Y: Cengage Learning. Wendel, W. B. (2007).

Professional Responsibility: Examples & Explanations. New York, N. Y: Aspen Publishers Online.

<https://assignbuster.com/an-inadvertent-breach-of-confidentiality/>