

Privacy & Confidentiality Policy

Palmer Home Marketing & Development

Guiding Principle

Marketing & Development will strive to authentically and compassionately share the stories of Palmer Home for Children in a way that respects and honors the safety, privacy and dignity of the children, individuals, and family members involved and in a manner compliant and MS Codes for residential homes in the state, as well as HIPAA.

Legal and Ethical Standards

All decisions regarding the privacy and confidentiality of children in care will be made in compliance with legal regulation (MS Code—Mississippi Department of Health and Mississippi Minimum Standards, HIPAA), Palmer Home for Children’s Protection of Confidentiality Policy, and in keeping with ethical considerations related to the best interest of children and families served by Palmer Home for Children.

Legal Regulations protect a resident’s right to confidential care and treatment. These regulations apply to case record maintenance as well as to print media, and any other form of publication shared on a public platform for the purpose of marketing and development.

Ethical Considerations require careful assessment and determination of best interest of the child and family served. These considerations include such variables as:

- purpose and scope of information shared
- age and developmental maturity of children involved, as well as emotional/relational impact of shared information
- capacity of child/family to make an informed decision
- careful assessment regarding any power differential between client and organization at the time obtaining consent is considered

Policy Application

Informed Consent

- ✓ **Individuals under the age of 14:** In compliance with legal age under no circumstance should children under the age of 14 be photographed, filmed, or interviewed for marketing or development purposes.
- ✓ **Individuals 14 through 21:** Written permission must be sought and granted from birth family and child. In cases where Termination of Parental Rights (TPR) has occurred, requests are submitted first to Director of Social Services and written consent must be gained from the child. All content must be reviewed by Director of Social Services before made public.

- ✓ **Individuals 18+ who have legally emancipated and no longer in the care of Palmer Home, or are 21+ and no longer in the care of Palmer Home:** Written permission must be sought and granted from the individual.

Under the circumstances outlined in the above guidelines, written permission should be obtained after **informed consent (IC)** has been granted.

Informed Consent (IC) refers to consent obtained after requester has ensured understanding of use, scope and potential impact of any information to be shared. IC must be obtained each time a request is made. This is because consents are specific to each situation due to the developmental maturity of the child, status of family situation, and future impact on social/emotional health. Therefore, informed consent cannot be considered on-going.

*MISS. Code Ann. §43-20-8

*MISS. Code Ann. § 43-20-65

*MISS. CODE ANN. §§ 43-21-261 and 43-15-21

*MISS. CODE ANN. §§ 43-21- 257, 43-21-259, and 43-21-261

Protocol for Review and Submission for Publication

Marketing directs all requests for informed consent to Director of Social Services (DSS) who works with case work staff to request consent from the appropriate parties. If consent is granted, all final drafts are submitted to DSS, child, and birth family (unless Termination of Parental Rights, TPR, has occurred) before submission/publication.

Types of Media and Platforms

Informed Consent as described above, apply to all of the following forms of media and platforms:

- ✓ **Internet** (Includes Social Media Platforms, Website, Blogs, and any other digital print)

Confidential care and treatment include refraining from identifying a foster child or child in residential care as such in any internet communications with others, including social networking sites. Pictures or information identifying a child as a foster child or child in residential care on the internet, including social media sites violates the child's right to confidential care.

In compliance with cited regulations, social media content should never include sensitive information that can be used to identify individuals. This kind of data is considered Protected Health Information (PHI) under HIPAA. PHI is any demographic information that can be used to identify an individual. ***This includes names, full face photos (of individuals or groups of minors), dates of birth, addresses (or identifying location of child's residence), condition, and medical data, among others.*** PHI is strictly protected under HIPAA regulation, outlined in both the HIPAA Privacy Rule and the HIPAA Security Rule.

HIPAA regulation prohibits the use of PHI in marketing or social media campaigns in order to protect the privacy of the minor and family served by Palmer Home.

Stock photos and name substitutions should be utilized on social media, and stories posted on social media outlets should not be specific to an individual child served by the organization.

If Marketing and Development would like to share specific content on a social media platform, guidelines regarding Informed Consent above, apply; and this consent must be obtained each time a request to share information is made, and using the protocol for review and submission described above.

*If an individual from the community posts something on a personal page or blog and/or tags Palmer Home in a post that seems to violate a resident's privacy, the organization is not legally responsible, however, if a representative of Palmer Home knows of or sees a post or photo that may cause discomfort and/or emotional harm, the representative has an ethical responsibility to educate and request it be removed.

Print Media: Informed Consent Guidelines apply. This includes:

- ✓ Mass Marketing-: Collateral designed for consumption in a public place (i.e. thrift store, area business) or for wide-spread commercial gain (television, radio or mass mailing)
- ✓ Targeted Media: Collateral designed for designated purpose and specific audience (donor base, event attendees, stewardship promotions) *Ex. Annual Report, Prayer Cards, and Newsletter.
- ✓ Interviewing Children (14+) and families served by Palmer Home for the purpose of mass or targeted media: Any request is directed to Director of Social Services in consultation with the child's caseworker. Interviews of any child or family should be conducted with the child's case worker and /or house parent present.
- ✓ On Campus Tours: In an effort to protect the privacy and confidentiality of children, and in keeping with providing the least restrictive environment to children in care, cottages should not be toured during hours when children are present in the cottage and children's bedrooms should never be toured.
- ✓ On Campus School Tours: In an effort to protect the privacy and confidentiality of children, and in keeping with providing the least restrictive environment to children in care, the school should be toured during times of day or week when children are not in class.
- ✓ On Campus Tours /Common Areas: In an effort to protect the privacy and confidentiality of children, and in keeping with providing the least restrictive environment to children in care, when children are outdoors playing or in other common areas, tour guides are asked not to engage with children or allow photos to be taken of children.

Community Interaction:

As stated in MS Minimum Standards for Residential, Care and Services , Section C. 9b, public appearances and photographing of the children shall be permitted only when they have

positive and constructive benefits for the children and respect their dignity and confidentiality. All activities involving the use of children in publicity and fundraising, any and all photographing of the children shall be voluntary and shall have prior documented written approval of the Director of Social Services, legal guardian, child, and birth parents (unless TPR has occurred).

*See also MSDH Rule 1.6.7 3b

Community News: (External Communications inquiring of PHC Staff about resident stories)All requests from community news outlets should be directed to Marketing and Development and supervised by Director of Social Services when other members of staff are solicited for information. All staff should refer any external inquires to Marketing and Development for consideration and response.

Internal Communications: (Jostle)

A child’s personal, historical or medical information should not be shared on Jostle, in keeping with PHI. When in doubt, seek supervision from your direct supervisor and/or Director of Social Services.

Information that may be shared freely on Jostle include:

- child arrivals
- discharges, graduations, transitions
- family reunifications
- child birthdays
- honors, awards and other reason to assist others to celebrate achievements in the life of a PHC resident.

Willful violation of the Palmer Home Protection of Confidentiality Policy may result in disciplinary action up to and including termination of employment.

I have read, understand and agree to comply with the guidelines set forth by this Marketing and Development Privacy and Confidentiality Policy.

Printed Name

Signature

Date

Approved by Palmer Home Board on 10/25/2018.