



## Standard of Practice

Effective Date: August 5, 2015

Approved by: Pat Valentine

### Understanding Disclosure Related to Sexual Orientation, Gender Identity and Expression Information

*Disclosure (n) -the release of information about a person or entity.*

Individuals are the principal owners of information related to their sexual orientation and gender identity and expression (SOGIE). However, staff may learn about an individual's SOGIE in any number of ways. Regardless of whether staff learn about an individual's SOGIE through direct conversation with them or by some other means (e.g. file note), **prior to any disclosures of an individual's SOGIE, DHS and provider staff must engage the individual in a discussion regarding the potential disclosure of SOGIE information.** This conversation will provide the individual the opportunity to ask questions about potential disclosure scenarios, assert their wishes, and problem solve to minimize negative consequences or amend the information to be disclosed.

The ability of an individual to actively engage in these discussions may vary depending on their age, maturity and cognitive abilities. All staff should consider the individual's capacity to understand the options when determining the appropriate course of action.

Individuals who identify as lesbian, gay, bisexual, transgender, queer, or questioning face great risk of emotional and/or physical harm when their sexual orientation and/or gender identity are disclosed to others, particularly when the disclosure occurs without the individual's consent and/or in an inappropriate manner. **Any disclosure that occurs must only be made in an effort to improve outcomes for the individual.**

Confidentiality is of paramount importance. It is the responsibility of DHS and contracted provider staff to treat all the information in the workplace with care and caution. In addition, client confidentiality is protected by a long list of Federal and State Laws/Statutes, Regulations and Program Guidance. Maintaining confidentiality in the workplace is important for building and maintaining trust, and for ensuring open and honest communication between clients and staff, as well as between co-workers. Casual discussion of an individual's SOGIE and other personal information in informal interactions (e.g.

casual conversation with coworkers) not related to the delivery of services is inappropriate and can further put the individual at risk for negative consequences if their information is made known to friends, family, or other providers without their consent.

In rare circumstances, staff may determine that they are legally or ethically obligated as a mandated reporter to disclose this information against the individual's wishes; such as in the event that their SOGIE status is directly tied with abuse or self-harm. In this situation, the staff member should carefully explain the reason for disclosure, and should limit the disclosure to that information necessary to protect the individual's safety and well-being.

When SOGIE-related information is truly relevant to a decision being made during a court proceeding and it is determined that it is not safe to share the information in open court, workers should request a private (out of open court) discussion in which the information shared is limited to that which is directly relevant to the court proceedings. Workers should request that the judge issue a protective or gag order prohibiting re-disclosure of the information.

In any event of disclosure without the individual's consent, staff will make every effort possible to lessen any negative consequences that could occur and strive to reestablish trust with the individual. Considerations will be made on the part of staff to minimize risks and maximize supports to individuals.

There are some situations when it is appropriate for staff to encourage an individual to consider disclosing that they identify as LGBTQ. Staff should explain why they think it may be beneficial, and leave the decision to the individual to decide if they would like to disclose. This subject could potentially be raised when discussing placement options, medical and/or community supports, or when engaging biological family members or other natural supports. The individual should be provided the opportunity to have the support of another person when the information is being shared.

Any inadvertent and/or inappropriate disclosures should be reported to the worker's immediate supervisor so that a plan can be made for how to stop any further disclosures and/or provide appropriate supports for the individual whose information was shared.

**Documentation of SOGIE information** in a client file is a form of disclosure when other individuals have access to that file. Staff should be thoughtful about who has access to paper or electronic records, and when making a decision to document, should operate under the same values and protocols as described above.

If a staff member becomes aware of a colleague disclosing an individual's SOGIE information without the individual's permission and/or not related to the delivery of services, staff will report the incident to their direct supervisor **OR** to their Human Resources department **OR** to the Director's Action Line.

Contracted provider staff should follow the appropriate reporting procedures as determined by their specific organization.

## Related Resources & Documents

### Resources

#### **Allegheny County Department of Human Services**

Director's Action Line

1-800-862-6783

<http://www.alleghenycounty.us/dhs/dal.aspx>

#### **Guidelines for Managing Information Related to Sexual Orientation and Gender Expression and Identity of Children in Child Welfare Systems**

<http://www.cssp.org/reform/child-welfare/Guidelines-for-Managing-Information-Related-to-the-Sexual-Orientation-Gender-Identity-and-Expression-of-Children-in-Child-Welfare-Systems.pdf>

#### **University of South Florida Multicultural Affairs**

Using Theory to Understand Gay and Lesbian Identity Development

[http://multicultural.usf.edu/pdf/safezone/support\\_identity.pdf](http://multicultural.usf.edu/pdf/safezone/support_identity.pdf)

Allegheny County Department of Human Services  
1 Smithfield Street  
Pittsburgh, PA 15222  
412-350-5701  
<http://www.alleghenycounty.us/DHS/index.aspx>