Navigating Confidentiality in Relationships

If I want to rest my soul in one of its most holy places, I simply board my friend's 35-foot sailboat, *La Belle Rouge*, and leave all my cares behind as we journey out of Harwichport harbor on Cape Cod, Massachusetts. Several times a summer, I make this holy pilgrimage. After the initial preparations of readying for the sail, we motor out of the picturesque safety of the harbor into the wide open winds and waves of the Atlantic. Here the work begins.

Hoisting the huge sails, we tie and untie ropes, duck when the beam shifts over to the other side, steady the rudder, and plot and plan our course. The art and science of sailing converge in the judgments involved in tacking. Back and forth, the captain adjusts to the breezes or winds that fuel our movement over the waters.

Then a gradual quiet washes over us. The words and activity soon cease, and we are left with the whispering sounds of water and wind over the deep. That's soul space.

Some time later, the words and activity will pick up as do our concerns about direction, distance and conditions. On any given day, there is a pendulum swing between the work and the leisure of the sail.

When I think of the tact involved in navigating through relationships, whether family, friends, colleagues, clients, personal or professional, intimate or casual, I think of the art and science of the sail. As we know so well, relationship involves work -- skilled work -- and at the same time, it invites soul space.

Chaplains need to focus on the art and science of navigating the complexities of confidentiality.

The recent chess match between Garry Kasparov and the computer player "Deep Blue" raised to gargantuan proportions the ancient philosophical and anthropological questions surrounding our identity as human beings. We are not simply computer chips that are programmed to perform a skill. The human has what no human-made product possesses, no matter how ingenious. We call that the soul or the spirit of a person.

This human endeavor called relationship intensifies for those of us whose professional life is helping others navigate relationships with their God, their self, and the others around them. All relationships, personal and professional, necessitate trust. But the added responsibility for professionals like ourselves demands confidentiality.

A recent crisis for one of our chaplains boldly underlines the work and skill involved in this area of confidentiality. A chaplain ministered to a young man who was hospitalized for an extensive period following an automobile accident. In the course
of their relationship, the chaplain charted the visits in an appropriate, professional manner.

Nearly a year after he was discharged, the chaplain was called into administration and informed that this man's insurance company was suing the hospital in a complicated case. The chaplain was ordered to appear for a deposition regarding her notes in the patient's chart. Several weeks later, she appeared in a law office where she was questioned by five lawyers.

Unfortunately, breaches of confidentiality continue to happen regularly.

In the course of the deposition, the chaplain was asked what training gave her the credential to do spiritual counseling. This lawyer kept pursuing the specifics of her background. "What psychological theorist do you utilize in your work?" The chaplain humorously shared with me later that caught in the anxiety of that moment the only name that came to her was Piaget from her days of graduate work in education. Thankfully his own limited knowledge of psychology found him satisfied with that answer and he let up with this intense line of questioning.

But these questions are important for us to ponder. What would be your answer? What does qualify us to do what we do? And what is it that we do? What language do we use that properly reflects the credentials that we carry with us as certified professionals? For example, it seems to me it is inappropriate for a chaplain to use the words *pastoral counseling* unless he or she is certified as a pastoral counselor. Then the question follows, can we say we do spiritual counseling? Perhaps, perhaps not. *Counseling* is a word that carries many different connotations and meanings in the public sector, including the law.

Confidentiality puts boundaries around the sacred trust at the core of relationships.

It seems to me that the response to the credentialing question needs to be specified directly out of our Standards. We need to go back and read those standards that describe the personal, theological and professional competencies that we have been judged to have by our peers through the national certification process.

The care with which we use language, verbal and written, not only defines our own self-identity, but more importantly, it reflects the trust that is given us in our profession by those to whom we minister. Confidentiality is the guarantor of that trust. When focusing on the art and the science of navigating the complexities of confidentiality in relationships, there seems to me to be at least three important considerations.

First, there is what we might call a theology of reverence. Foundational to our Judeo-Christian tradition, there is the concept of *imago Dei* from *Genesis* 1.27. Men and women were created in "the image and likeness of God." For us then, every human being in some way mirrors God. Our faith stance is that the other is to be seen and experienced reverently as a sacred being. This posture or attitude is the premise from which we reach out to the other.
Care is the embodiment of reverence. As providers of care, we put as much emphasis on our posture before the other person as we do any of the practical skills we bring to our profession. Now it is not simply trust at the core of relationships, but a sacred trust.

Secondly, this reverence for the other in our relationships is governed by an ethic of prudence. Prudence implies the wisdom in making judgments. We are careful -- full of care -- in how we act on this sacred trust that has been given to us. Confidentiality puts boundaries around that trust.

Ordinarily the presumption is that what is shared in a relationship, especially one that is bound by confidentiality, remains in the context of that relationship. The notable exceptions are around the care taken that no one be placed in harm's way, either to oneself or to another person. So serious is this issue of harm that society has codified this in legal reporting requirements, i.e., threats of suicide, homicide or abuse.

The difficulty comes when conflict arises around the sharing of information seen to be necessary for the good of the person. This is a place where we struggle in coming together as a team whose intent is always the good of the person(s) we serve. When sharing such information, we do so only as necessary.

When confronting concern about confidentiality, ask three questions:

1. What is the information I am wanting to share?

2. Who is it that I want to share this information with? Who needs to know?

3. Why do I want to share this information?

Here I believe it is important to recall three important questions that need to be asked whenever I am confronted with a concern about confidentiality. (This framework comes from Shirley Nugent, SCN, our former Standards Committee chair.) First, what is the information I am wanting to share? The prudential call here is to share only the amount of information that is necessary for the other person to know.

Secondly, who is it that I want to share this information with? The prudential call here would seem to be "need to know" basis only. Again the task here is limiting the arena where this limited information is about to be shared. And thirdly, why do I want to share this information? The prudential call here would seem to be the final check on my reasons for sharing this information. Who will it benefit? Who might it harm? What are all the possible ramifications of such a decision?
These judgments arise situation by situation. The ultimate test might be in the question: How would I feel if I was the patient/ client/ inmate and this information was being shared about me?

Prudence presumes good judgment which results from an accumulation of wisdom from experience, individually and collectively. It is no wonder our primary method of learning is in the group process experience where a live situation arises and is reflected upon in the setting, not written out in textbooks.

Thirdly, an ethic of prudence comes down to the practical skills in reporting. Language is primary here. There are ways of saying things and there are ways of saying things. Whether verbal or written, there is a science to the way of reporting. Precision comes with practice. I don't believe there is anybody who could not benefit from some practice sessions on confidentiality.

Perhaps this Fall, chaplains in a given geographical area might consider gathering for an evening to work with this issue of confidentiality. One chaplain could present a situation where she or he needed to share some confidential information in a face-to-face meeting. The chaplain could role play the situation with another chaplain while the others could silently observe and then follow with a discussion. Another chaplain could take the second half of the evening and present a charting entry written on poster board for everyone to see and for the group to then venture how they might rewrite the note in a tighter manner.

Unfortunately, breaches of confidentiality continue to happen regularly, whether from nurses, social workers, physicians or chaplains. This is always serious whether or not it is detected by the patient/ client/ inmate/ parishioner or his or her family. A breach such as this signifies a breakdown in either our skills, our ethics, our theology, or stance upon which we base our care. It is fundamentally a breakdown of trust.

Recently, a well-known man who worked security at a hospital was a patient in the ICU of the same institution. A nurse walking by the work station noticed another nurse reading this man's chart. The first nurse was upset because the second nurse did not have this man as her patient. Why is she reading his chart, she thought. As the day went on, she became more upset by what she considered a violation of the mission of the hospital regarding the value of "respect." After some more thought, she reported the incident to the nursing supervisor. The incident became an important moment of learning not only for those parties but for other leaders in the hospital as the issue was appropriately channeled.

Relationships always need careful navigation through difficult times. For those of us in the position of this sacred trust, the confidentiality of relationships is even more delicate to maneuver. Back and forth we tack the course each day in our places of
ministry. But the work and the activity of careful relationships are worth it all when we hear the quiet of the whispering sounds of water and wind -- something we call soul.