

The Professional School Counselor and Confidentiality

(Adopted 1974; reviewed and reaffirmed 1980; revised 1986, 1993, 1999, 2002, 2008)

American School Counselor Association (ASCA) Position

Professional school counselors recognize their primary obligation for confidentiality is to the student but balance that obligation with an understanding of the legal and inherent rights of parents or guardians to be the guiding voice in their children's lives.

The Rationale

Confidentiality is an ethical term denoting a counseling practice relevant to privacy. A student who has a counseling relationship with a professional school counselor has the right to privacy and confidentiality. ASCA recognizes that counseling relationships require an atmosphere of trust and confidence between students and counselors. Exceptions to confidentiality exist, and students should be informed that situations exist in which school counselors must inform others of information learned in counseling relationships in order to protect students themselves or others.

ASCA members affirm their belief in the individual's worth and dignity. It is the professional responsibility of school counselors to fully respect the right to privacy of those with whom they enter counseling relationships.

Privileged communication is a legal term that means a federal or state statute is in place granting privilege to a counseling relationship between a professional school counselor and a student. If privilege exists, a professional school counselor cannot be forced to disclose information revealed in a counseling relationship in a court of law unless specific exceptions to privilege exist. In some states, statutes grant privilege to counseling relationships between professional school counselors and students.

The Professional School Counselor's Role

Counselors have a responsibility to protect private information received through confidential relationships with students and private information they receive about students from parents or guardians, professionals outside of schools and other school staff members. Professional school counselors inform students of the limits of confidentiality such as the possible necessity for consulting with other professionals, privileged communication, and legal or authoritative restraints.

Additional exceptions to keeping private information gained in counseling relationships with students include disclosing information to parents, guardians or others when school counselors determine that students may be at risk for harming self or others. The meaning and limits of confidentiality are defined in developmentally appropriate terms to students. Professional school counselors consult with appropriate professionals when in doubt as to the validity of an exception and for the benefit of the students they counsel.

Professional school counselors keep records of their counseling relationships separate from academic records and do not disclose the contents of their counseling records except when privacy exceptions exist. When professional school counselors receive court orders they believe might lead to the disclosure of private information they gained in counseling relationships with students, they should request legal advice from their supervisors and should follow the legal advice provided to them.

When professional school counselors are asked in legal proceedings to disclose information they consider private when no exceptions to privacy appear to exist, they should assert their belief that information is confidential and should not be revealed without the student's consent. School counselors follow judge's orders when in court; even if they believe they are being ordered to disclose confidential information.

Summary

Counseling relationships require an atmosphere of trust and confidence between students and their professional school counselors. A student has the right to privacy and confidentiality. Students should be informed that exceptions to confidentiality exist in which counselors must inform others of information they learned in counseling relationships in order to protect students themselves or others.

References

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