



How to Work with Survivors Regarding the Release of Personal Information

Have A Conversation

Before starting the written release process, you should have a conversation with the survivor. Releases should only be used to meet the survivor's goals, not the program's. When you talk with a survivor about the possibility of releasing their personal information, the focus should be on helping the survivor:

- identify their goals
- generate ideas for meeting those goals
- consider if having the program share information helps meet those goals
- consider current or future risks that may arise if the program releases their information
- consider alternative ways for the information to be shared (For instance, they could share it themselves or have someone not associated with the program share it. This helps keep the support they are receiving from the program private.)

If the survivor determines they want to have the program release their information, begin drafting the release.

But First!

Before moving forward, a good way to determine if the release of information is survivor-centered is to ask yourself to name the personal goal that the survivor is meeting. If you can name it, then it is likely a survivor-centered release. If the goal is a programmatic goal, then it's not survivor-centered. Here's an example:

- NOT SURVIVOR-CENTERED: Offering every survivor your agency works with a written release that gives the agency permission to share their information with a funder for reporting and evaluation.
- SURVIVOR-CENTERED: Posting a notice that a funder wants honest feedback about the agency, and inviting survivors to let an advocate know if they are interested in participating and having information shared about their services from the agency.

Draft the Release

1) Discuss:

- What specific content they're considering sharing. (If the survivor wants to share their whole file, you must first give them the opportunity to read the file so that they know exactly what will be shared.)
- What benefit they're hoping to receive from having you share the information.
- The minimum amount of information you'll need to share in order to meet the survivor's goal.
- The rules (or absence of rules) controlling how the person or organization who is receiving the information can use it.
- The amount of time that it will take your program to share the information **(Note: you should not use a standard time frame across all releases. The expiration date of the release should be determined by the survivor and based on how long it will take the program to act on their behalf.)**
- The survivor's right to revoke releases at any time. Note that once the information has been shared as instructed, the program will not be able to retrieve it.

2) Fill in the blanks on the release based on your discussions with **this particular survivor** (not based on standardized practice or habit).

3) **Determine** the correct person to sign this release. The following rules apply to Violence Against Women Act (VAWA) and Victim of Crime Act (VOCA) victim services grantees. Local laws may also apply to your work. Program managers should provide signature instructions based on local law.

- **Adults** sign the release for themselves.
- **Adults with legal guardians:**
 - **If the person can get services without guardian permission:** Only adult survivor needs to sign.
 - **If the person needs guardian permission to receive services:** Only guardian needs to sign.

- **Minors:**
 - **If the minor can get services without parent's permission:** Only minor needs to sign.
 - **If minor needs parent's / legal guardian's permission for services:** Minor AND non-abusive parent / legal guardian need to sign. (*Note: Abuse to either child or other parent means a parent is abusive and cannot sign.*)
 - **If minor is incapable of knowingly consenting (in the judgment of the program):** Non-abusive parent / legal guardian signature only.

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