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It's confidential: but it still leaks out

TN110 Training Notes series: Communication

The leakage of confidential information within and beyond a church can do great damage. This can happen in all kinds of ways ranging from idle gossip following a meeting for prayer to malicious action designed to cause hurt.

A Privacy Policy covers legal concerns over the handling of data, but there are many other breaches of confidence that may lead to a loss of integrity that damages ministry.

These notes are designed to alert churches to the issue and are deliberately written to apply across all church members. Most Confidentiality Polices are written for staff or for volunteers on specific projects. These notes take a different, wider view.

When is there a breach of confidence?[1]

A breach takes place when information that has been given to someone or a group with the assumption, stated or assumed, that no one else will be told is passed on to a third party, whether in or outside the church's membership. Possibilities include:

- Personal information or viewpoints shared one-to-one in a normal discussion, by phone, in prayer ministry, or in any pastoral setting. Example: a church member passes on to friends that someone who asked him for prayer is currently being treated medically.

- Information about people shared in a meeting such as for prayer or in a leadership session and not intended for general distribution. Example: private information about a mission partner is shared in the intercessions during a church service.

- Agendas, papers or minutes for a church business group marked as confidential. Example: a committee member tells her family about the discussion of a sensitive issue.

- Views expressed in a sermon (not livestreamed). Example: someone then informs the local newspaper of a contentious point the Minister made.

In all these cases the information may then be passed on repeatedly and become distorted.

The general rule is not to put across information without the permission of the one who first gave it, unless it is already known to be in the public domain. But boundaries also need to be defined as to what may be shared within the church membership but not beyond.

Churches should place the highest importance on integrity in this area to ensure that both leaders and members can be confident that they can trust people with confidential information.

What other policies exist?

All the following are assumed to apply in the first instance. These notes extend the reach of such legal documents but in no way lessen their impact.

- Safeguarding Policy – for working with children and vulnerable adults
- Privacy Policy – to be GDPR-compliant
- Social Media/Web and other activity-specific policies
- Bullying and Harassment Policy
- Staff and/or volunteers handbook which includes confidentiality or complaint procedures
- Any leadership team (or equivalent) handbook
- Formal working agreements for licensed Ministers (in an Anglican context).

Why do leaks take place?

Here are examples to consider.

The attraction of idle gossip

People enjoy sharing personal news which they may be unable to verify. It is a common human failing to desire to pass on information that implicates others in some form. Gossip may take place in one-to-one conversations, phone calls, social media posts, group discussions, etc.

The excuse of news for prayer

Information shared for prayer, whether in pairs or formal gatherings, runs the risk of going beyond assumed boundaries. This may not be done as wilfully as for gossip, but can be as damaging. But, of course, sharing for prayer is often an excuse for gossip.

The desire for power through knowledge

Some people are keen to know as much information as possible. This gives them power or, at least, kudos by being someone always in the know. They can then seek to influence others with the knowledge they possess.

The danger of malicious action

Some people want to prevent proposed changes by releasing operational details they are party to before they have been finalised. Others may want to cause harm to particular leaders by putting round personal news that may be only partly true to cause reputational damage.

The risk of theft or carelessness

There is always the danger of a digital personnel folder being left open or a church office screen showing a confidential spreadsheet. There is the risk of hacking and of a church member dropping a memory stick, losing a laptop on a train or leaving papers lying around.

On the other hand:

The values of integrity and trust

The Christian value system allows for none of the above and instead relies on integrity of behaviour, discretion, care for others, wishing to build up rather than pull down. It might be wise for a church to arrange a short teaching series on such matters. Breaches of confidence in a Christian community should be taken very seriously.

How widely may information be shared?

However, there are cases where it is important to share with others what might be regarded as confidential. In each case the circle of knowledge should be as small as is both legally permissible and practically wise on the principle of proportionality.

- In a safeguarding case where it is legally required to report abuse.

- When someone may be in danger (eg. a volunteer receptionist being told that one regular caller is liable to be violent) or where someone is at risk of harming themselves (eg. a threat of suicide).

- Where criminal activity is disclosed (eg. drug dealing).

Note also that there is some doubt as to whether the absolute privilege of confidentiality in formal confession with a priest is consistent with the civil law.

Restricted group

There may also be cases where it is assumed that information may be shared with a group.

- Where information given to an official leader is assumed to be then shared with the leadership team. Similarly, for a specific ministry or project team.

- Where someone's behaviour or speech negatively impacts other church members or is harming the church's reputation. The matter may need to be shared with whoever will then take appropriate action.

- When it is assumed that information gained by one member of a married couple may be shared with the other. Some couples would assume this always to be the case on the 'one flesh' argument so it must be made very clear if this is not so.

- Members joining or leaving your church where information is shared from a former Minister or to a new Minister or through an exit interview.

In all these cases it is important to clarify what assumptions are being made and then to make these known. Also to clarify whether a view can be passed on with a person's name or only anonymously. One of the greatest dangers is assuming that our expectation of confidentiality or restriction is precisely shared by the person or group we are communicating with.

Where do we need to take care?

There are certain areas of church life where there is a particular risk of breach of confidence. These include.

- **Pastoral ministry**
  Especially one-to-one discussions, someone seeking advice, counselling, etc. In formal cases of counselling, mediation or pastoral advice the position about confidentiality should be made completely clear at the outset.[2]

- **Prayer ministry**
  Both formally in a church service setting but also when any two church members pray together and where there are church meetings for prayer (including in home groups).

- **Ministry and staff teams**
  Where pastoral needs may be discussed.

- **Church business**
  Trustees, leadership groups, staff meetings and committees where business is always assumed to be confidential unless otherwise marked.

- **Financial giving**
  Information about people's giving is normally restricted to the Treasurer and their inner-team alone and not disclosed to the Minister or anyone else.

- **Leadership information**
  Details known to a small group of leaders whether about individuals, plans, external events or other matters.

- **Projects**
  Staff and volunteers working on specific projects – this area may be covered in a staff or volunteers handbook.

- **Church office**
  Staff who work there may be party to confidential information about members and need specific instructions. Might visitors be able to access files or see computer screens?

- **HR files**
  Including payroll and applications for employment – where personal information may be held, such as previous convictions.

- **Statistical information**
  If about the church this should only be used in anonymous format.

- **Annual reports, brochures, etc.**
  These may include 'testimonies' or photographs – where the use of such stories and pictures should always have the person's written consent.

- **Mission partner letters**
  These may contain sensitive information about local situations.

- **Social media**
  This deserves a separate Social Media Policy – see Training Notes TN99.

When volunteers are working in a team and are party to information they are not sure how to process, they should ask advice from their team leader who should consult the Minister or member of staff if necessary and without divulging the specific information.

What actions do we take over any breach?

Unless there are legal requirements (eg. for safeguarding or some GDPR breaches) it is better to take an informal approach rather than instigate a formal process of complaint.

Confidentiality within the leadership team throughout this process is essential. Any action should have the approval of the person making the allegation. The allegation should be recorded and then the person who has caused the breach be informed of their action and asked not to repeat it. If necessary a more detailed mediation process may be necessary.

How do we prepare a church-wide Confidentiality Policy?

Some churches will already have a Confidentiality Policy but most of these are written for staff or apply to a specific ministry or project. These notes apply more widely than this. Having said that the simple production of a policy is only a first step in tackling this issue. Its application is what matters.

To create a Church Confidentiality Policy along the lines described in these notes:

1   State, at the start, who the policy will apply to, which body is responsible for its oversight, who ensures it is working day-to-day and how often it will be checked and revised.

2   Explain the importance of the subject, of Christian responsibility, and your means of bringing this to the attention of all the church's membership on a regular basis. Wording might include something like:

> "(Church name) is committed to maintaining high standards of behaviour for our life together as servants of Jesus Christ. This includes the issue of information passed to us by others in confidence. Our church should be a place of trust and safety for all. This policy is designed for every member of our church to describe how we treat such information. Note that we have other policies listed below that take priority in their specific areas."

3   Base the structure of your policy on the headings used in these notes:

- When is there a breach of confidence?
- What other policies exist?
- Why do leaks take place?
- How widely may information be shared?
- Where do we need to take care?
- What actions do we take over any breach?

Note that you are welcome to use wording from these notes within these sections. Please acknowledge source: name, website, TN110. However you should aim to make the policy your own by rewording it to fit your church's specific ministries and tradition.

4   In the section 'Where do we need to take care?' you may need to expand what is written or add other headings specific to your church. These notes give you a starting point but should not be taken as covering everything.

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[1]   There is a strict legal term 'breach of confidence' – the term is used more generally in these notes.
[2]   The Methodist Church have more detailed guidelines for pastoral workers. See https://www.methodist.org.uk/for-ministers-and-office-holders/guidance-for-churches/pastoral-care/confidentiality-guidelines/

These notes are available at https://www.john-truscott.co.uk/Resources/Training-Notes-index then TN110. See also Articles A27, *Reliability in ministry*, and Training Notes TN99, *Social media+ guidelines.*

John's resources are marked for filing categories of Leadership, Management, Structures, Planning, Communication and Administration. File TN110 under Communication (with a link to Structures).

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