



Maintaining Confidentiality in Child Care Settings

What is confidential information?

Confidential information is personal details from our lives which we may not want to share with others. It can include our address, phone number, birth date, employment history or other personal information. It may also include information about our past or present health and development. Individuals have the right to keep information of this type private.

Child care programs routinely handle confidential information about enrolled children, families and staff. When managing sensitive information, it is important for child care directors, administrators and staff to be aware of their ethical and legal responsibility to protect the privacy of individuals and families.

Legal requirements

California Community Care Licensing (CCL) Regulations for Child Care Centers require that licensed providers ensure the confidentiality of all records pertaining to enrolled children (CCL, 2002). Files containing confidential information should be accessible only to program staff who must know the information in order to care for the children. Each child's records must also be made available to that individual child's parent/guardian, CCL personnel, or police officers upon request. CCL further requires that programs must inform the parents/guardians of enrolled children that their information will be kept confidential. Programs must explain to enrolled families that their records will be shared only as described above, unless the family gives the program written consent to disclose specific information to others (CCL, 2002).

Confidential contents of records in child care settings

Programs keep individual files for each enrolled child, including but not limited to the following:

- enrollment forms
- family's health insurance information

- health screenings and records, including immunization records
- emergency contact information
- contact information for those authorized to pick up child
- emergency care consent forms
- consent forms (permission slips) for outings or special activities
- names of regular medical or dental providers who know the child
- nutritional restrictions
- progress reports
- child observation logs
- parent conference logs
- medication logs
- documentation of medical, behavioral or developmental evaluations, referrals or follow-ups, addressing issues relevant to the child's participation in the program
- documentation of any injury occurring at the program site and the steps taken to address the situation

How can child care programs ensure confidentiality?

Caring for Our Children, National Health and Safety Performance Standards recommends that programs create and abide by a written policy which describes how confidential information should be documented, stored and handled. All staff should be familiar with this policy, which should cover all of the specific types of confidential information kept at the program site. Below are some examples of how a program can protect confidential information while providing quality care.

Notification of communicable illnesses. When any child in care is diagnosed with a communicable illness or condition, such as chicken pox, impetigo, head lice and many others, programs are required to

notify the program staff and the families of any children who may have been exposed. Notified families should be instructed to monitor their own children for the development of any symptoms, and to seek medical attention if symptoms do occur. This type of notification can and should be done without mentioning the identity of the diagnosed child.

Children with special needs. Enrolled children may have special needs due to disabilities or chronic health conditions. To ensure their safety, programs often institute policies that have an effect on all of the families in the program. A common example of such a policy is one that prohibits families from bringing some types of food to the program site, to accommodate the restricted diet of another child. A program may institute a peanut-free policy, to protect a child with a life-threatening reaction to peanuts. Or, a program may create a policy prohibiting sugar-laden cakes and cookies at birthday celebrations, to accommodate a child with diabetes, for whom such foods are dangerous.

When creating such policies and notifying other families, keep the affected child's right to confidentiality in mind. Notifications of policies should explain that there is a child in the program whose serious health condition makes the policy necessary. The notification need not mention the affected child by name.

When is it appropriate to disclose personal information?

While the rights and desires of families to keep their personal details private are important, there are also some circumstances under which identifying information should be shared.

Program staff and the "need to know." To ensure the health and safety of children with special needs, teachers, caregivers, and other program staff who interact with the children should be informed of the identities of children with special health concerns on a "need to know" basis (AAP, 2002).

For example, staff who prepare and serve food should be fully aware of which children have food allergies and what each affected child is allergic to. Staff members who monitor the children in the playground should be aware if any children are allergic to bee stings, or if any children have a chronic

condition which warrants especially close monitoring during play (such as poorly controlled epilepsy, or diabetes treated by insulin injection). Primary caregivers and back-up staff need to know if any children in care have been prescribed medications, for what reasons, and what the possible side effects are, since they are likely to be administering the medications and monitoring the reaction. Program directors and teachers need to know if there are any un- or under-immunized children in care, so that appropriate measures can be taken in the event of exposure to a vaccine-preventable illness.

Outbreaks of reportable illness. Community Care Licensing Regulations provide a list of certain serious infectious diseases which are reportable in California (CCL, 2005). This means that a child care program *must* report to both the local Public Health Department and to Community Care Licensing whenever there is a known or suspected outbreak of any of these illnesses. During such reporting, identifying information about the affected child, including name, age, and how to contact the family, should be reported.

Known or suspected child abuse. Licensed child care providers are mandated reporters of child abuse. If a child in your care shows evidence of abuse or neglect, you must call Child Protective Services and report the situation. The CPS intake process requires disclosure of the child's name, address, parents or guardian's names, and possible additional details. In this situation, the child's safety and welfare come before the family's right to confidentiality.

References and Resources

California Department of Social Services, Community Care Licensing, *Title 22 Regulations for Child Care Centers*. <https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/community-care-licensing-regulations/child-care>

American Academy of Pediatrics (2002). *Caring for our children; Health and Safety performance standards for out-of-home child care programs*, 2nd edition.

California Childcare Health Program (2017). *Child Abuse Prevention*. <https://cchp.ucsf.edu/content/health-and-safety-notes>

California Childcare Health Program (2003). *Maintaining child health records in child care settings*. <https://cchp.ucsf.edu/content/health-and-safety-notes>