

Confidentiality

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7. Confidentiality

Confidentiality comes from Latin *fide*: trust.

- *confide* as to “show **trust** by imparting **secrets**”; “tell in assurance of secrecy”; “entrust; commit to the charge, **knowledge** or **good faith** of another”; while
- *confidential* or *in confidence* is “a **secret** or **private** matter not to be divulged to others”

- Confidentiality in the health care context is the requirement of health professionals (HPs) to **keep information** obtained in the course of their work private. Confidentiality is **non-disclosure of private or secret** information with which one is entrusted.

Ethical Arguments for Maintaining Patient Confidentiality

- **(i) Utilitarian argument (Beneficiant)**
- Patients' assurance of confidentiality helps ensure they will **seek** treatment (e.g., for complaints that may be personally embarrassing, or related to socially denigrated, or illegal activities, etc.).
- This helps to ensure that patients will be properly diagnosed and treated. This in turn helps to minimize **harm, and maximize good.**

(ii) Respect for autonomy

- (may be a deontological or utilitarian justification)
- Respect for autonomy requires allowing individuals to control any disclosure of information about them.
- Such control is essential for personal freedom (e.g., from coercion, or to pursue one's goals/values).

(iii) Promise keeping

- There is an **implicit promise** between **HPs and patients** that information will not be disclosed to third parties. Hence, breach of confidentiality breaks a promise.
- The notion of confidentiality draws upon the *principle of privacy*, which may derive from the **concept of autonomy or be conceptually separate**.

Privacy

- **(1) Bodily privacy**
- An ethical concept of bodily privacy can be derived from respect for autonomy, where autonomy includes the freedom to decide what happens to one's body.
- Bodily privacy is recognized in **law**: actions in **assault**, battery and false imprisonment may be available to the person who does not consent to health care.

(2) Decisional privacy

- Decisional privacy is distinguished as control over the intimate decisions one makes (e.g., about **contraception, abortion, and perhaps health care at the end of one's life**).

- **(3) Informational privacy**
- This type of privacy underlies the notion of confidentiality.

- **Arguments for respecting privacy:**
 - (i) Privacy and property**
 - Personal information is regarded as a kind of property, something one owns.

- **(ii) Privacy and social relationships**

- Privacy is a necessary condition for the development and maintenance of relationships, including those between HPs and patients.

(iii) Privacy and the sense of self

- The notion that one is a separate self includes the concept of one's body and experiences as one's own. Privacy is to be valued for its role in developing and maintaining our sense of individuation.

Can Nurses Violate Confidentiality?

- Think About the two given scenarios and discuss about it
 1. If a relative contracted HIV from a source who the nurse knew was infected, and had reason to believe would infect others, but neglected to warn. What do you do?
 2. If A to Abebe is HIV infected and the health provider violated his right to confidentiality. What do you think about the act?

Disclosure of Information

- Disclosure of information is not *necessarily* an actionable breach of confidence.

Disclosure *may* be allowed, under certain circumstances, when it is requested by: the patient, and *where it applies*, freedom of information can be used by patients to obtain health care information;

Other health practitioners

- **Relatives** in limited circumstances (e.g., parents when it is in the interests of the child);
- **Researchers** with ethics committee approval (and where the approved process is followed);
- The **court**;
- The **media**, if the patient has consented; and
- The **police**, when the HP has a duty to provide the information.

- Confidentiality is the ethical principle that requires non disclosure of private or secret information with which one is interested.

8. Rules

- The principles of health care ethics must be upheld in all situations. Rules are guidelines for the relationship between clients and health care Providers. They are the foundations for the ethical rules veracity, fidelity and confidentiality.

Ethical Dilemmas & ethical decision making in Nursing

- A dilemma is a situation in which two or more choices are available; it is difficult to determine which choice is best and the needs of all these involved cannot be solved by the available alternatives. The alternatives in a dilemma may have favorable and unfavorable features.

- Ethical dilemmas in health care involve issues surrounding professional actions and client care decisions. They can lead to discomfort and conflict among the members of the health care team or between the providers and the client and family,

Models for Ethical decision-making

- Ethical issues are real life issues. There is no one way of resolving such situations. Each situation will be different, depending on the people involved and the context. However, ethical decision-making models provide mechanisms or structures that help you think through or clarify an ethical issue.

- There are a number of models from which to choose from, but there is no one best way to approach ethical decision-making. Ethical decision making models are not formulas and they do not ensure that the decision you take will be the right one

Model I: A guide to moral decision-making

- It outlines a step-by step process that considers the many aspects of ethical decision-making:

1. Recognizing the moral dimension

- Is recognizing the decision as one that has moral importance.
- Important clues include conflicts between two or more values or ideals.
- Consider here the levels of ethical guidance of the code of Ethics for registered nurses.

- **2. Who are the interested parties? What are their relationships?**

- Carefully Identify who has a stake in the decision in this regard, be imaginative and sympathetic

- Often there are more parties whose interests should be taken in to consideration than is immediately obvious.

- Look at the relationships between the parties look at their relationship with yourself and with each other, and with relevant institutions

3. What values are involved?

- Think through the shared values that are at stake in making this decision.
 - Is there a question of trust? Is personal autonomy a consideration?
- Is there a question of fairness? Is any one harmed or helped?
- Consider your own and others personal values & ethical principles

4. Weight the benefits and burdens

- Benefits might include such things as the production of goods (physical, emotional, financial, and social, etc) for various parties, the satisfaction of preferences and acting in accordance with various relevant values (such as fairness).
- Burdens might include causing physical or emotional pain to various parties imposing financial costs and ignoring relevant values.

- **5. Look for analogous cases (similarity in cases)**

- Can you think of similar decisions? What course of action was taken? Was it a good one? How is the present case like that one? How is it different?

6. Discuss with relevant other

- The merit of discussion should not be underestimated.

Time permitting discusses your decision with as many people as have a take in it.

- Gather opinions and ask for the reasons behind those opinions.

7. Does this decision according with legal and organizational rules.

- Some decisions are appropriately based o legal considerations. If an option is illegal, one should think very carefully before thanking that option.

- Discussion may also be affected by organizations of which we are members. For example, the nursing profession has a code of ethics and professional standards that are intended to guide individual decision-making. Institutions may also have policies that limit the options available.

8. Am I comfortable with this decision?

Question to reflect up on include:

- If I Carry out this decision, would I be comfortable telling my family about it? My mentors?
- Would I want my children to take my behavior as an example?
- Is this decision one that a wise, informed, virtuous person would make?
- Can I live with this decision?

Thanks