

TRANS INCLUSION IN PRACTICE: PRIVACY AND CONFIDENTIALITY

Many trans people have unique privacy and confidentiality needs that require particular consideration, given that service providers are often privy to confidential information about trans people.

For example, many trans people use chosen names which differ from their legal names, so providers may know a legal name that their trans client prefers not to use. Providers may be aware of the designated 'sex' marker on a trans client's identification documents. Providers may also know additional information expressed in confidence by their trans client, or within shared medical documents.

All of the above information, and other private information about trans clients should only be shared with the express and informed consent of the trans client in question. Due to transphobia, information about trans people, such as their medical histories and their trans status, are often of particular interest to cisgender people. This can, in some instances, result in service providers inadvertently violating a trans person's right to privacy through the disclosure of confidential information.

Violations of privacy or confidentiality can often become safety concerns for trans people. For example, some trans people are not out to their families, and disclosure of their trans status can jeopardize a trans person's safety in their familial context. The utmost care and consideration should be taken to ensure all private information shared in confidence by trans people is kept private and confidential.



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Organizations should create clear policies and procedures pertaining to confidential information shared by trans clients and colleagues. For example, while a legal name is often required for medical records and during intake processes, organizations should take every step possible to ensure this information is kept confidential, and that the chosen name provided is used in every possible instance.

TIPS FOR PROTECTING THE PRIVACY AND CONFIDENTIALITY OF TRANS CLIENTS

1

Communicate clear expectations with all members of your staff regarding trans-specific privacy and confidentiality issues, including legal name, trans status and medical histories.

Provide staff members with training on trans identities and trans inclusion, including practices for navigating confidentiality and privacy rights.

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Introduce formal policies to guide the use of chosen names versus legal names, and to codify organization-wide practices for maintaining privacy and confidentiality pertaining to legal names that differ from chosen names.

Codify processes for managing complex privacy and confidentiality issues, such as situations where a trans youth is accessing care under a different name than they use with their family.

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Immediately address any and all instances where staff members have violated a trans person's confidentiality and privacy.