

## 12. CONFIDENTIALITY

Alaska Statute 18.66.400 protects confidentiality, which means that all collected records must be kept confidential, all meetings are confidential, and the team's recommendations are not admissible in court proceedings. Additionally, the court may not compel a team member to testify in court and may not subpoena collected records and information for use in court.

It is important to note that the Review Team may not be able to access some records because other rules or orders require them to remain confidential. For example, the Review Team may not be able to review records that a judge has ordered sealed, or records protected by state or federal statute, such as medical records protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The Review Team must consider that although confidentiality is essential to the review process, the overall goal is to strengthen system policies and procedures and identify prevention measures to stop future incidents of domestic violence-related injuries and fatalities.

The team will accomplish the statute's mandate for confidentiality by observing the following procedures:

- a. Team members must not disseminate information disclosed during the review process, subject to limited exceptions, described herein;
- b. Advisory Committee and Individual Fatality Review recommendations may be discussed with others only if a 51% majority agrees;

- c. If new information is brought to the attention of a prosecutor during an Individual Fatality Review or Advisory Committee meeting, then the prosecutor may have a constitutionally-mandated duty to disclose this new information to the defense where the perpetrator is either awaiting trial or has been convicted;
- d. Information relevant to the investigation of a crime may be disclosed only to the prosecuting attorney or to a law enforcement agency;
- e. Information required to be reported under the child protection law, or laws protecting vulnerable adults, shall be disclosed to the appropriate agency;
- f. Some Advisory Committee or Review Team members may have a legal duty to warn potential victims. Nothing in the statute or this protocol supersedes this duty;
- g. Each Review Team member and invitee must sign a confidentiality agreement.
- h. If any committee or team member violates confidentiality, that person will be removed from the team.