

Immigration Activism 101: Privacy and Confidentiality

What's the difference between privacy and confidentiality?

- **Privacy** refers to an individual's right not to share personal information *about themselves*.
- **Confidentiality** refers to an individual's ability to expect that you won't share their personal information with someone else.

Respecting and protecting both **privacy** and **confidentiality** is **extremely important** when working with immigrants or on immigration issues.

What's at stake?

Undocumented **and legal** immigrants are at risk of detention or deportation – which also involves separation from their families. Additionally, immigrants are at risk of abuse or exploitation by someone who threatens to report them to ICE. Every single time an immigrant discloses their immigration status to someone, they increase these risks for themselves – not only because they have to trust the person they're speaking to, but they also have to trust that person not to disclose this information to anyone else.

Because of these risks and concerns, immigrants—with or without legal status—may avoid seeking services such as medical care, legal advice, or monetary assistance; they may also avoid calling 9-1-1 to report a crime or abuse. And it can be very, very difficult to regain the trust of immigrants and their families once confidentiality has been broken.

The easiest way to prevent violations of *confidentiality* is to preserve the utmost respect for *privacy*. The less personal information someone knows, the harder it is to endanger someone by sharing their personal information. Additionally, respecting an immigrant's privacy demonstrates respect for them as a person and for their continued agency when advocating for themselves. Practicing respect for privacy—avoiding unnecessary invasive or personal questions—also helps to communicate that you or the organization you work with can be trusted.

The other side of this handout offers tips for thinking about privacy and confidentiality, as well as examples to help you think about whether and when to ask someone for certain kinds of personal information about themselves.

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To protect and respect privacy, ask yourself, “Do I need to know this information in order to do my job or offer help that’s been requested of me?”

Some examples:

1. If you are volunteering as a greeter at an immigration legal clinic, you don’t need to know whether the person you’re greeting is a U.S. citizen **or inquire about their immigration status.** (You do, however, need to know if they’re there because they want to speak with a lawyer.)
2. If you attend a community event and see someone you know who may have a prior or current immigration situation, you don’t need to know about their immigration case or status. You don’t need to know when their next hearing is, or when/how they entered the United States. (Even if the immigrant initiates a conversation with you about their immigration case, use discretion and caution as to what information is disclosed in a public space or setting.)
3. If you are helping to collect money for an immigrant family with small children, you don’t need to know the children’s names or ages. (You don’t need to know the names of adults in the family, either.)

Don’t ask immigrants or their families to bear the burden of refusing to answer invasive questions—practice respect for their privacy instead.

To protect and respect confidentiality, ask yourself, “Does the person I’m about to share this information with need to know this information in order to do their job or offer help that’s been requested of them?”

Some examples:

1. If you are helping to collect money for an immigrant family in the area, the people you’re asking for money don’t need to know who the family is or whether any members of the family are undocumented.
2. If you are volunteering as an interpreter at an immigration legal clinic, other volunteers don’t need to know why someone is seeking legal advice. (The individual lawyer for whom you’re interpreting, on the other hand, does need to know why someone is seeking legal advice.)
3. If someone asks you to help find someone to babysit their kids while they meet with an immigration lawyer or visit a relative who’s in detention, potential babysitters don’t need to know why they’re needed/where the parent is going. (They do need to know when/how long they’d be babysitting, and perhaps the town where they’d be babysitting. If they’re available, they need to know how many children they’d be watching, and perhaps the children’s approximate ages. But they don’t need to know the family’s address unless/until they agree to babysit.)