

APPENDIX E

Proposed CREC Confidentiality Policy

“Love will cover a multitude of sins” (1 Peter 4:8); but it does not cover-up sins.

Pastors and elders sometimes find themselves in a dilemma. It seems that if a person prefaces his remarks to us with statements such as, “This is confidential and it cannot leave this room” or, “Don’t tell anyone I told you this,” then no matter what follows those statements, it is presumed that we are morally bound to keep them secret. Yet we cannot promise to keep secret that which we do not yet know. We cannot make such unconditional commitments since we are required to be faithful to Scripture.

Related to the idea of secrecy is that which is hidden or dark. Scripture tells us that, “men love the darkness rather than the light; for their deeds were evil. For everyone who does evil hates the light, lest his deed should be exposed” (John 3:19-20). We see then, that some secrecy is used for the purpose of covering up evil.

Many times we hold private information about another person and keep it to ourselves. Intimate relationships are built upon our trusting others with information that could be used in a harmful manner. Nevertheless, Scripture speaks of the righteous or unrighteous use of information, and that is to be the determining factor in whether or not private information is revealed.

An additional consideration is the legal issues associated with the “clergy-penitent privilege.” Put simply, there are only certain circumstances when the law requires members of the clergy to keep statements to them confidential. But the law nowhere requires a pastor to violate the tenets of Scripture in holding information confidential.

The law does recognize, though, that the disclosure of confidential material may harm an individual. Pastors should be careful in disclosing confidential information to ensure that doing so would not result in harm to the individual who is the subject of the confidential information. If there is any doubt on this point, pastors should consult legal counsel before disclosing confidential information.

As our primary commitment is to Scripture, we cannot commit ourselves to that which Scripture prohibits. Therefore we adhere to the following:

1. The sixty-six books of the Old and New Testament Scriptures, as interpreted by the local church session and broader ecclesiastical assemblies of the CREC, as the supreme and final authority governing these issues.
2. Pastors or elders only agree to hold as confidential those limited range of communications that fall within the “clergy-penitent” privilege as defined by the various laws of each state. Each pastor or elder should be familiar with the requirements of the “clergy-penitent” privilege in their state.
3. Pastors or elders do not agree to *unconditionally* maintain any and all information in confidence since to do so would possibly require them to disobey other commands of Scripture.
4. Pastors and elders understand that the revelation of information given to them in confidence or as part of a communication that triggers the “clergy-penitent” privilege may prove harmful to the person who communicated the information. Thus, pastors or elders should only disclose the confidential communication when doing so either:
 - a. Does not harm the person communicating the information,
 - b. Is mandated by the commands of Scripture as understood in number 1 above,
 - c. Is in accordance with the guidelines set forth in this policy, or
 - d. Is required by law.

5. Pastors or elders may, in compliance with the law, disclose confidential information by consulting with others (e.g., other ministers or counselors, etc.), when they perceive it to be necessary or beneficial, in order to gain insight and help in resolving problems. Every effort will be made in the consultation to protect the confidentiality of the communication and the identity of the communicant.
6. Pastors and elders, having received information that might prove harmful to the person who gave the information, or harmful to others, may, in compliance with the law, reveal that information in order to prevent such harmful or illegal affects. Examples of such situations are these:
 - a. A person reveals plans to commit suicide.
 - b. A person indicates that they plan to commit a crime or an immoral act such as theft, adultery, abortion, murder, etc.
 - c. Information that will clear an innocent party or convict a guilty party.
7. Pastors or elders receiving information from a third party regarding the sin, conflict, or crime of other persons, may, in compliance with the law, reveal the source of their information to provide godly help for the persons involved.
8. The above circumstances apply to information that is received in formal or informal settings, e.g., counseling sessions, letters, notes, emails, text messages, phone or private conversations.