

## COMMUNITY SEXUAL ASSAULT PROGRAM SERVICES

If you visit a sexual assault program in Washington State, the information you share with the program is generally confidential. No information about you should be released without your informed written consent. If you do consent in writing for a sexual assault program to release information about you, you may orally revoke that release at any time. However, once the information is released, it is no longer possible to protect that private information.

Sexual assault programs provide a range of services to victims and survivors of sexual violence. These programs generally will not give anyone else information about services you may have received from them unless they are ordered to do so by the court. When you ask a sexual assault program to release confidential information about you to a prosecutor's office or your attorney, you are waiving state laws that are designed to protect your privacy.

### Disclaimer

This pamphlet is for general educational use only. It does not constitute legal advice and should not be relied upon as legal advice. Please consult an attorney for more information or for advice. Information in this brochure is accurate as of **April 2005**. Please remember the law is always changing through actions of the courts, legislature and agencies.

### RESOURCES:

Northwest Justice Project's

CLEAR Line

1-888-201-1014

[www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)

Northwest Women's Law Center's

Info and Referral Line:

1-206-621-7691

[www.nwwlc.org](http://www.nwwlc.org)

Washington Coalition  
of Sexual Assault Programs

1-360-754-7583

[www.wcsap.org](http://www.wcsap.org)

American Civil Liberties Union

Privacy Project

[www.aclu-wa.org/Issues/privacy/index.html](http://www.aclu-wa.org/Issues/privacy/index.html)

## PRIVACY INFORMATION FOR SURVIVORS OF SEXUAL ASSAULT



WA Coalition of  
Sexual Assault Programs



Legal Services Department

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## **PRIVACY CONCERNS**

If you have been raped or sexually assaulted you may be concerned about your privacy.

**You have a right to privacy.**

### **PROTECT YOURSELF**

You can take steps to protect your privacy. But when you have been sexually assaulted and the rapist is being prosecuted or sued, you will be asked by many different people in the legal system to give them private information about yourself. Some of that information may be relevant to the sexual assault case, but some of your private information is not relevant and you are not required to tell anyone the information.

You have the right to seek legal counsel. If you need help with protecting your privacy rights, contact your local sexual assault program.

### **WHEN REPORTING TO LAW ENFORCEMENT**

When you report a sexual assault to law enforcement or a deputy prosecuting attorney, that information is not confidential.

When a criminal action is filed against a perpetrator of a sex offense, the criminal court files are public records. The information contained in those records

about you as a victim of crime is public information.

The Prosecutor's role in a criminal case is to gather evidence for possible prosecution. The prosecutor does not represent you. It is important to understand that the prosecutor's job may be at odds with your privacy interests.

For example, you have the right to refuse to answer questions not directly related to a criminal investigation which seek privileged or private information. Such questions may ask for information about subjects such as sexual history, medical or mental health history, HIV status, and/or conversations with a spouse, attorney, sexual assault advocate, mental health or medical care provider.

Other types of personal information should not be discussed with law enforcement because they are not relevant to the fact that you have been raped. That information includes: current or past rape crisis counseling, past sexual activities not with the perpetrator (including abuse), past or current psychotherapy, past or current drug and alcohol treatment, and HIV testing. When reporting a rape you only need to respond to questions about the current assault.

## **DURING INTERVIEWS**

If you are asked about private and sensitive matters unrelated to the sexual assault, you have a right to interrupt any interview, ask for a break and consult with a legal advocate or attorney.

## **RESPONDING TO SUBPOENAS**

If information about you is subpoenaed, such as your school records or medical records, you have a right to protect your privacy. If you are afraid that private information about your medical history or school records may be subpoenaed, send a letter to the institution stating: "I do not authorize any disclosures of information about me. I am putting you on notice that I intend to assert my privacy rights under federal and state law."

If you receive a subpoena in a criminal case filed against your attacker, you should immediately inform the prosecutor.

**For more information about your privacy rights, contact the agency listed below.**

### **LOCAL SEXUAL ASSAULT PROGRAM**

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