

Privacy in the Aquatic Setting

A Position Paper of the Aquatic Therapy and Rehab Institute

Privacy is the universal right to keep one's personal life apart from scrutiny of others, sharing only with individuals who are chosen. Privacy involves maintaining confidentiality of personal identification, space, thoughts, information, dignity, needs, strengths, weaknesses, and functions. Privacy involves respect for, and non-judgment of, individual differences. Assurance of an individual's right to privacy is critical to establishing a level of comfort for entry and on-going participation in any aquatic program. This position paper establishes guidelines and standards for ensuring privacy for all individuals who participate and/or work in aquatic programs.

Factors

A variety of factors influence recognition of and sensitivity to individual privacy rights. Legal statutes, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), set mandated operational parameters. Personal attitudes and sensitivities, and/or lack of same, determine behavior. Technology provides for state-of-the art communication, as well as record keeping, but also opens opportunities for abuse of privacy rights, inadvertent or intentional.

Aquatic Concerns

By the nature of the aquatic environment, participation in aquatic programs may increase potential for violation of individual privacy rights. Therefore, it is imperative all individuals working in the aquatic profession, including but not limited to aquatic program managers, aquatic recreation, physical and occupational therapists, athletic trainers, camp waterfront staff, coaches, facility operators, lifeguards, locker room supervisors and attendants, physical education teachers, and swim and aquatic exercise instructors maintain vigilance and enforce policies and procedures designed to insure and maintain personal privacy for all aquatic program participants.

Records

All records and reports regarding program participants must be maintained in a way that keeps these records away from scrutiny of anyone who is not entitled to professional access. Access to computerized records should be restricted to appropriate staff. Participant information may only be released with the participants' expressed written consent. Persons to whom information is to be released, along with the purpose of said release, must be stated on the consent form, which must be dated and kept on file.

Conversations

All conversations with or about a participant's personal business should be conducted in private and involve only those individuals who must be present to achieve a specific goal. Typical topics of conversation that should be held in privacy include:

- program registration (personal data)
- financial arrangements
- insurance
- progress within program
- assessment results
- medications
- program referral
- transition to community programs
- personal care/hygiene
- education related records

Physical Locations

Locker rooms (dressing areas) and toileting facilities should be designed to provide privacy for all users, including those who might need assistance in personal needs. For example, privacy can be insured with walls or installed curtains or any other opaque barrier. In addition, facilities must:

- Follow all local, state, and/or federal guidelines regarding accessibility for individuals with disabilities, as well as for individuals with special health problems.
- Implement accessibility guidelines in a way ensuring seclusion for independent dressing, dressing with assistance, bathroom use, and showering.

Specific Issues

Cameras. To insure participant, staff, and volunteer privacy, use of cameras and cellular phones should be prohibited within all locker rooms, dressing areas, toilet areas, and shower areas. Any photography for personal or professional purposes should have prior written consent of both participant and facility manager. The consent form should include a statement of purpose for use of said photographs and documents dated and kept on file.

Clothing. During aquatic activities, participants, volunteers, and staff should be attired in a manner appropriate to the venue. Aquatic attire worn for in-water activity is critical to maintaining a clean aquatic facility. If it is necessary to allow attire other than bathing suits, said clothing should be clean, in good repair, and worn only in the aquatic venue.

Touch. Some individuals may need personal, hands on assistance, while others may not. Prior to touching any participant (except in an emergency situation), the purpose of the touch should be explained and permission secured. Individuals sensitive to skin contact should be allowed to wear body clothing, providing it doesn't compromise safety, facility cleanliness, or water quality.

Scheduling. Many aquatic activities are open to the general public, while some activities are restricted to specific populations. Some activities are a blend of populations. Participants should be advised of the nature of their activity (open, blended, restricted) prior to enrollment. During restricted aquatic activities, access should be limited to those individuals who have a specific purpose for being in the area, subject to prior approval of all participant(s).

When programming and scheduling aquatic activities, facility personnel can show sensitivity to participant privacy rights by:

- Scheduling general pool use and restricted-use programs during different periods.
- Avoiding overlap in scheduling locker room and general facility use between general public and restricted access groups. Restricted-use activities are more likely to have participants needing and desiring privacy in the dressing areas as well as in the water.
- Scheduling restricted-use programs at times when common facility areas are less likely to be crowded or in high use.
- Periodically reviewing program scheduling to keep locker room congestion to a minimum.

Diversity. Whenever possible, religious, cultural, and ethnic practices of diverse populations should be considered and respected. Attire for participation, gender grouping, and appropriate activities may be affected. Programs open to the general public should accommodate all participants.

Staff. Aquatic personnel, paid as well as volunteer staff, have privacy needs. Respect for personal privacy of participants should, in all respects, extend to all staff.

Summary

Insuring personal privacy means that:

- all conversations are appropriate in terms of content and participants;
- records and reports are maintained in a manner consistent with individual access rights;
- personal needs are met with sensitivity to individual comfort rather than expediency;
- all on-site activity is within a context of security and safety.

Program management must focus on maintaining individual personal privacy rights. This is the foundation upon which all aquatic activity should be based, for maintaining individual personal privacy is vital to healthy participation.

The Aquatic Therapy & Rehab Institute's commitment to privacy demonstrates the utmost respect for the clients served by ATRI practitioners.



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