



Connection and confidentiality in the internet age

After a long career, “Anne” retired last year from her job as a clinical counselor working with adolescents. She has since opened a small business as a photographer, a longtime hobby she is happy to have more time to pursue in retirement. She also volunteers in her community and is still friendly with many of the professionals in her former jurisdiction.

During Anne’s tenure, she worked with clients on a variety of issues, from career advice to individual and group counseling for serious topics such as sexual orientation, drug and alcohol prevention, and self-harm. She has a profile on LinkedIn to network for her photography business and keeps in touch with her former colleagues.

Anne has started to get LinkedIn requests to connect from some of the clients she worked with as a counselor. They are all older than 18 and, based on the information in their profiles, it seems they are in college or working and are using LinkedIn to network for career and internship purposes. Anne is aware that social media is very important for this generation, and she fears that rejecting her former clients’ connection requests on LinkedIn may be seen by them as a total rejection. She is also aware that if she connects with these former clients, her contacts, and those who are connected to her contacts, will be able to see the connection. Anne would never accept a request to connect with a former client

on other platforms such as Facebook or Twitter. However, she recognizes that these individuals are looking to further their careers, and she would like to be as helpful to them as possible.

Should Anne connect to these former clients? Should she even have a social media presence, even if it is on a professional site such as LinkedIn? Where is the line?

Examining the issues

Based on LinkedIn’s model, Anne can see these former clients’ profiles once they send her an invitation to connect. Anne didn’t solicit this information or go looking for it. She can make an educated guess regarding why they wish to connect, but she doesn’t know for sure, unless they also write her a message when they send the invitation to connect.

Anne has made general assumptions about how these former clients might react to a rejection based on her own experience, societal attitudes and some limited research. She needs to examine these thoughts and feeling related to her worry of hurting her former clients’ feelings.

If Anne accepts the invitations to connect, a certain level of confidentiality will be lost. Although certain privacy settings can limit who can see her contacts, there is no way currently to entirely block this information from her direct contacts.

Different perspectives

One approach, as proposed in “A practitioner’s guide to ethical decision making” by Holly Forester-Miller and Thomas Davis (a publication of the American Counseling Association), is to look at the foundational principles that might apply to this situation.

When considering autonomy, Anne might want to think about the fact that these former clients are now adults and are able to choose with whom they wish to connect on social media.

In considering justice, Anne should think about how to be equitable in her decisions to connect or not. Would it be just to pick and choose which people to connect with based on the issues she worked on with them? Based on the depth of the counseling relationship? Based on Anne’s personal feelings toward the client?

Regarding nonmaleficence and beneficence, or doing no harm and doing good, Anne must weigh the risks and benefits for her former clients in this situation. She should also consider what, if any, commitments she made to these former clients and be conscious of honoring those commitments, as per the principle of fidelity.

Looking at the ACA Code of Ethics

The 2014 *ACA Code of Ethics* was the first version of the ethics code to include a section specifically dedicated to distance counseling, technology and social media.

The Ethics Revision Task Force saw the growing need in the counseling profession for guidance in this area.

First, Anne must evaluate her competence in using social media. It is helpful to know that the ethics code defines social media as “technology-based forms of communication of ideas, beliefs, personal histories, etc. (e.g., social networking sites, blogs).” LinkedIn definitely falls under this designation. It is also important to remember that today’s social media status quo can be obsolete tomorrow. Our new world is immersed in technology. The more counselors are aware of this, the more they can plan ahead and the better the outcomes will be for clients and professionals.

The ethics code makes explicit that a counselor’s personal and professional social media profiles/pages should be separate and that it should be easy to distinguish between the two. Most of those who use LinkedIn use it for their professional profiles, as opposed to other sites such as Facebook, Twitter or Instagram, where individuals may maintain a personal profile, a professional page or both.

Anne includes her counseling work history on her LinkedIn profile, but she currently lists her job title as “photographer/owner,” and it is clear that this profile is for her current business. Still, she may want to consider changing how she handles this to further clarify that this profile and her current work are focused on photography, not counseling.

Similarly, counselors should respect that clients’ online presences are private and not access them without permission. In this case, the former clients invited Anne to connect, not the other way around. However, she should still access only enough information to confirm that this person is in fact her former client.

As is the case with many ethical issues, informed consent could have been used to help prevent this type of issue. The *ACA Code of Ethics* states that informed consent documents should address a counselor’s social media policy. Furthermore, having conversations with clients can help ensure that they know where the counselor stands regarding virtual relationships, both during and after treatment.

When crafting these documents and planning such conversations, it is important for counselors to set standards that are likely to stand the test of time. For instance, a counselor might have said in the early 2000s, “I won’t add clients on Myspace, but other things might be OK.” It would be difficult for former clients to know what the counselor’s stance is today when Myspace is no longer widely used and the social media landscape has grown much more vast and diverse. Although Anne might not have developed a social media policy during her time in practice, going through this decision-making process now will help her develop a current policy for handling these kinds of requests.

Similarly, counselors should also explain to their clients the possible risks and benefits of connecting or liking a counselor’s professional pages. Depending on the site and the applicable privacy settings, clients’ connections and likes will be visible to at least the other connections of both parties. On some sites, these elements will be public. This is a serious risk to confidentiality, and clients should be made aware of this.

If Anne decides to connect, she would need to let her former clients know this information beforehand, either through a direct message or email. Counselors never put confidential information on public social media sites and do their best to maintain confidentiality even after the counseling relationship has ended.

Client reaction

Counselors must always remember that their primary responsibility is the welfare of the client. This seems to be the sticking point when we look at Anne’s concerns about how her former clients might react to her rejection of their invitations to connect. Anne is operating under the assumption that rejecting the requests could cause her former clients distress. The standard on client welfare exists to protect our clients, however, not to ensure that they are never upset.

Anne must consider why the thought that her former clients may feel rejected is making her question protecting their confidentiality. If rejecting a request from a client would promote that client’s welfare, we should move past the fact that the rejection feels uncomfortable for us as counselors.

Conclusion

The essential question in this case is whether the benefits of connecting outweigh the cost of the clients’ loss of confidentiality. If Anne were running a jobs program, the answer might be yes. Likewise if her former clients hoped to become photographers. But in this case, it seems Anne could kindly communicate that it is her policy not to connect with former clients and then offer to provide them with other ideas to network that would not put their confidentiality at risk.

For additional information, consult the following standards in the 2014 *ACA Code of Ethics*:

- ❖ A.1.a. Primary Responsibility
- ❖ A.2.a. Informed Consent
- ❖ A.5.e. Personal Virtual Relationships With Current Clients
- ❖ A.6.e. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships)
- ❖ B.1.b. Respect for Privacy
- ❖ B.1.c. Respect for Confidentiality
- ❖ H.1.a. Knowledge and Competency
- ❖ H.2.a. Informed Consent and Disclosure
- ❖ H.6.a. Virtual Professional Presence
- ❖ H.6.b. Social Media as Part of Informed Consent
- ❖ H.6.c. Client Virtual Presence
- ❖ H.6.d. Use of Public Social Media



The ethical dilemma addressed in this column was developed from a deidentified composite of requests for consultation made to the American Counseling Association. This information is presented solely for educational purposes. ❖

Joy Natwick is the ethics specialist for the American Counseling Association. Contact her at jnatwick@counseling.org.

Letters to the editor:
ct@counseling.org