

Sample Privacy Certificate

Subgrantee,¹ _____, certifies that data identifiable to a private person² will not be used or revealed, except as authorized in 28 CFR Part 22, §§22.21, 22.22.

Subgrantee certifies that access to the data will be limited to those employees having a need for such data and that such employees shall be advised of and agree in writing to comply with the regulations in 28 CFR Part 22.

Subgrantee certifies that all contractors, subcontractors, and consultants requiring access to identifiable data will agree, through conditions in their subcontract or consultant agreement, to comply with the requirements of 28 CFR §22.24, regarding information transfer agreements.

Subgrantee also certifies that SafePlace will be provided with copies of any and all transfer agreements before they are executed as well as the name and title of the individual(s) with the authority to transfer data. However, SafePlace does not anticipate the need for any data transfer.

Subgrantee certifies that, if applicable, a log will be maintained indicating that (1) identifiable data have been transferred to persons other than employees of OVC, SafePlace, BJA, BJS, NIJ, OJJDP, OJP, or subgrantee/subcontractor staff; and (2) such data have been returned or that

¹ Please include the names of the directors for this project as well as the name of the person representing the institution receiving the grant funds.

² Information identifiable to a private person as defined in 28 CFR §22.2(e) as “information which either—(1) is labeled by name or other personal identifiers, or (2), can by virtue of sample size or other factors, be reasonably interpreted as referring to a particular person.”

alternative arrangements have been agreed upon for future maintenance of such data, in accordance with 28 CFR §22.23(b)(6).

Subgrantee certifies that any private person from whom identifiable information is collected or obtained shall be notified, in accordance with 28 CFR §22.27, that such data will only be used or revealed for research or statistical purposes, that compliance with the request for information is not mandatory, and that participation in the project may be terminated at any time. In addition, subgrantee certifies that where findings in a project cannot, by virtue of sample size or uniqueness of subject, be expected to totally conceal the identity of an individual, such individual shall be so advised.

Subgrantee certifies that project plans will be designed to preserve the confidentiality of private persons to whom information relates, including where appropriate, name-stripping, coding of data, or other similar procedures.

Subgrantee certifies that copies of all questionnaires that have already been designed for use in the project are attached to this Privacy Certificate. Subgrantee also certifies that any questionnaires developed during the project period will be provided to SafePlace for review and approval before utilizing.

Subgrantee certifies that project findings and reports prepared for dissemination will not contain information that can reasonably be expected to be identifiable to a private person, except as authorized by 28 CFR §22.22.

Subgrantee certifies that adequate precautions will be taken to ensure administrative and physical security of identifiable data and to preserve the confidentiality of the personally identifiable information.

Subgrantee certifies that all project personnel, including subcontractors, have been advised of and have agreed, in writing, to comply with all procedures to protect privacy and the confidentiality of personally identifiable information.

To comply with the regulations in 28 CFR Part 22, the following safeguards are incorporated into the grant application.

Brief description of project

Through this project, _____ (name of subgrantee) will work with SafePlace to—

- Develop and conduct a brief community needs assessment to identify gaps and barriers in services to crime victims with disabilities in _____ (location). This assessment will target crime victims with disabilities as well as disability service professionals, law enforcement, domestic violence/sexual assault organizations, and other victim service providers. Assessments will consist of one or more of the following formats: focus groups, individual interviews, and electronic surveys. Focus groups will consist of 5–10 people from the same population (e.g., persons with disabilities, disability service providers, law enforcement) engaged in a facilitated discussion about community needs for

crime victims with disabilities. Individual interviews will be one-on-one meetings with guided question-and-answer sessions on the same topics.

As described more fully later in this document, the process will be confidential and voluntary:

- No names will be attached to collected data, and participants will sign agreements not to share the names or identifying information of participants or information shared by other participants.
- Identifiable information will only be shared with agency staff who have signed confidentiality agreement forms, SafePlace staff, and OVC staff upon request.
- Participants in focus groups and individual interviews will be advised that participation is voluntary and may be withdrawn at any point.
- Develop outreach and training programs for crime victims with disabilities and professionals who serve them.
- Create practical strategies to track the number and types of crimes committed against individuals with disabilities in the communities.
- Design and implement achievable approaches to increasing the accessibility of victim services for persons with disabilities.
- Evaluate the program's effectiveness.

Procedures for notifying subjects, as required by 28 CFR §22.23(b)(4) or, if notification is to be waived, pursuant to 28 CFR §22.27(c), please provide a justification.

Private persons from whom identifiable data are obtained or collected will be advised that the data will only be used for research and statistical purposes, that compliance with requests for information are not mandatory, and that participation in the research is voluntary and may be withdrawn at any time. At the beginning of focus groups and individual interviews, participants will read and sign a consent form and will also be reminded verbally of those points.

The consent form will include notification that—

- The information will be used to identify gaps and barriers in the identified community's victim services for persons with disabilities.
- Any resulting materials or evaluations will not include names or personally identifying information.
- People may leave during the meeting without stating why.
- People have the right not to answer any questions they do not want to.
- Each participant has a responsibility not to talk to anybody outside of the meeting about who was at the meeting or what was shared.

Participants will also be informed about mandatory reporting for “intent to harm self or others” and, if relevant to the state, mandatory reporting of current abuse of an adult with a disability, a child, or an older adult.

At the conclusion of the meeting, participants will be given a referral list for local low-cost counseling options and victims’ services. In addition, although it will be made clear that the meeting is not a counseling session, a trained service provider or advocate will be available during or after the meeting for anyone who might become distressed by the topic of conversation.

Procedures developed to preserve the confidentiality of personally identifiable information, as required by 28 CFR §22.23(b)(7)

Project plans will preserve the confidentiality of participants. Project findings and reports from the assessment or evaluation prepared for dissemination will not contain information that can reasonably be expected to be identifiable to a private person. The following safeguards will be kept to protect all of the information collected from the community assessment:

- Notes for focus groups, group meetings, and individual interviews will not contain real names. Instead, statements will be identified by pseudonyms, by gender, or with no identification at all. As this is not a clinical research project, but an information-gathering process, no records or name code indexes will exist to tie those names back to the participants.

- Direct quotes from participants and case scenarios may be used for illustrative purposes as long as no personally identifiable details or characteristics are included. No information will be disseminated that includes names, ages, background, or a collection of statements or quotes that could easily identify any participant.
- If the case scenarios are too easily identifiable, the salient points or themes will be kept and the details omitted.
- As much as possible, reports will concentrate on common themes rather than individual circumstances.
- All identifying information collected through the recruitment process will be kept separate from the interview notes on a secure computer network and/or in a locked file cabinet to ensure the privacy and security of respondents.
- Only key project staff members who have signed confidentiality forms will have access to signed forms and meeting notes. By signing the confidentiality form, staff will agree not to discuss any identifiable information or the details of interview participants with anybody but other project staff members who have also signed a confidentiality form.
- Surveys and questionnaires for evaluating the effectiveness of individual trainings and the program will be anonymous; no identifying information will be solicited. If identifying information is included by the trainee, it will be removed before the evaluation is disseminated.

Justification for the collection and maintenance of any data by subgrantee in identifiable form, if applicable

No information will be collected in identifiable form.

Procedures for subgrantee data storage, as required by 28 CFR §22.23(b)(5)

Any paper copies of identifiable data from the community assessment or evaluation process will be stored in a secure location on the premises. Access will only be available to the project director, _____, and project staff, including

(all of whom have signed a confidentiality agreement form). Subgrantee understands that SafePlace will verify that storage methods and confidentiality practices are acceptable during programmatic monitoring visits.

Electronic versions of the identifiable data will be stored in the agency computer network, which is only accessible to project staff members who have signed a confidentiality agreement form.

Description of any subgrantee institutional limitations or restrictions on the transfer of data in identifiable form, if applicable

Identifiable data will be used or revealed only on a need-to-know basis to (a) officers, employees, and subcontractors of _____ (this agency) and to (b) the project staff of SafePlace, which is administering this grant. All subgrantees will have on file a signed confidentiality form specific to this project. Employees with access to data on a

need-to-know basis will be advised in writing of the confidentiality requirements and must agree in writing to abide by these requirements.

Name and title of subgrantee individual with the authority to transfer data

The project director, _____, will have the authority to transfer data. However, no transfer of data except as noted above is expected.

Procedure for ensuring the physical and administrative security of data by subgrantee, as required by 28 CFR §22.25(b), including, if applicable, a description of those procedures used to secure a name index

Identifiable data will be used or revealed only on a need-to-know basis to (a) officers, employees, and subcontractors of _____ (this agency) and to (b) the project staff of SafePlace, which is administering this grant, or to (c) OVC on request. All will have a signed confidentiality form specific to this project on file. Employees with access to data on a need-to-know basis will be advised in writing of the confidentiality requirements and must agree in writing to abide by these requirements. In addition—

- No actual names or identifiers will be entered into the survey database that includes interview information.
- Any identifying information will be kept in a locked file cabinet and/or a secure computer network, separate from the interview or survey information collected. This identifying information will include the consent form, evaluation forms with identifiable information, the roster of participants, and so forth.

Procedures for the final disposition of data by subgrantee, as required by 28 CFR §22.25

Three years after the project ends, all data that contain personally identifiable information will be physically destroyed. Paper copies will be shredded and any network files will be deleted and permanently removed.

Name and title of individual authorized to determine the final disposition of data

The project director, _____, or the executive director, _____, will oversee the complete destruction of all paper and online copies of the materials or the identifiable portions of the materials after a required 3-year-recipient retention period after the subaward ends or as soon as authorized by law.

Access to data is restricted to SafePlace and the following individuals, as required by 28 CFR §22.23(b)(2)

Project Director(s): _____

Project Staff: _____

Contractors, Subcontractors, and Consultants: _____

Subgrantee certifies that the procedures described above are correct and shall be carried out.

Subgrantee certifies that the project will be conducted in accordance with all of the requirements of the Omnibus Crime Control and Safe Streets Act of 1968 as amended and the regulations contained in 28 CFR Part 22.

Subgrantee certifies that OVC shall be notified of any material change in any of the information provided in this privacy certificate.

Signature(s):

Project Director

Institutional Representative

Date: _____