

PRIVACY CONSIDERATIONS FOR STATE 988 CRISIS RESPONSE NETWORKS

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This resource is designed to assist states in recognizing privacy related considerations when designing and implementing their 988 crisis response system.¹ The confidentiality of 988 calls forms a core element of effective crisis response *and* a key message for potential callers.² Privacy and confidentiality help to encourage people to access the help they need, and help protect against harm resulting from sharing sensitive, stigmatized, or criminalized health information.

CORE ELEMENTS OF A PRIVACY FRAMEWORK FOR 988 AND CRISIS RESPONSE

PRIVACY MAPPING

- What information is collected about callers?³
- What privacy laws apply to 988 call centers and the recipients of 988 information?
- How will information be shared between 988 and other entities, including 911, emergency medical services (EMS), law enforcement, or poison control?
- What information will 988 call centers need later (e.g., follow-up on referrals, disposition of mobile crisis response) and what privacy laws apply to this information?

PRIVACY RISK

- What is the risk of harm if information from a 988 call is shared with 911, EMS, law enforcement, or others?
- What is the risk of harm if individuals perceive that 988 is not a confidential alternative to 911?

PRIVACY DIALOGUE

- How are we communicating with the community about potential data sharing with 911, EMS, law enforcement, and associated privacy risks?
- How are we collecting community feedback about data sharing with 911, EMS, law enforcement, and associated privacy risks?
- How are we incorporating and implementing feedback from community members about privacy and confidentiality concerns?

NEXT STEPS AND FURTHER CONSIDERATIONS

Once state 988 teams have considered these questions, it is also important to develop and implement risk management priorities – e.g., training staff on their privacy obligations and introducing concepts of privacy when sharing treatment information – as well as policies and procedures for maintaining caller confidentiality.

In particular, the policies and staff training should clearly articulate how to identify when consent is needed to share information, how to obtain consent, and how someone may revoke consent.

References

- The Privacy Framework for 988 and Crisis Response is not a comprehensive “checklist” and does not incorporate all applicable federal and state laws, nor does it address security considerations. For a comprehensive privacy framework (not specific to 988), see “NIST Privacy Framework,” National Institute of Standards and Technology (2020), <https://www.nist.gov/privacy-framework>.
- 988 Messaging Framework, National Action Alliance for Suicide Prevention, <https://suicidepreventionmessaging.org/988messaging/framework> (accessed Sept. 6, 2022).
- People contacting 988 are not required to provide any personal data to receive services. 988 FAQs About Call Routing, Privacy, Network Functioning, SAMHSA, <https://www.samhsa.gov/find-help/988/faqs#about-call-routing-privacy-network-functioning>.