



a program of Law Foundation of Silicon Valley

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Right to Privacy of Your Mental Health Records

Your doctor or the hospital or clinic where you receive services cannot share your information with others without your permission. Because of this, your doctor or hospital staff will ask you to sign forms and choose people who they can tell about your care, treatment, and progress. *If you are a minor, your parent can give permission for you.

The hospital staff and doctors cannot, without your permission, give information about your care, treatment, and progress to:

1. Your family or friends
2. Your employer
3. Your probation officer

Why is the doctor or hospital staff talking to my family?

Even if you do not give permission for your family to receive information about your care, doctors have a responsibility to consider all available information about your illness and history so that they can provide you the best care. Your family can give information to the doctor, even if you do not want the doctor give information to them.

When can the doctor or hospital staff give information to others without my permission?

- To people such as doctors, case managers, or therapists currently providing you services.
- If the doctor believes you have been the victim of or committed a serious crime, your doctor can tell the police information about the crime.
- If you are unable to tell hospital staff whether or not you want your family members told about your hospitalization, the staff can tell your spouse, child, sister, brother, or parent that you are at the hospital.
- If your doctor starts a conservatorship for you, the hospital will give your mental health record to the county public guardian's office.
- If the doctor believes you are a dangerous threat to another person, the doctor must tell the police enough information to protect that person.
- To your parole officer.
- To county patients' rights advocates so they can monitor facilities or if the advocate believes your rights have been violated.
- If the doctor believes you been hurt by a firearm or abuse, they must report that information to the police.
- In order to protect elected officials and their families.

What can I do if my rights have been violated?

- For violations of federal law, contact: **Office of Civil Rights- (800) 368-1019**
- If the hospital or doctor who shared your information was a private organization or person, you can sue in small claims court.
- If the hospital or doctor was part of the government, you can file a government suit within 6 months.
- You can also complain to the county's quality improvement department:
- Contact MHAP for more information- **1-800-245-MHAP**

DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights for your particular case.