



CoachHub

Confidentiality in Coaching

Confidentiality in coaching, refers to a crucial duty of a coach to not disclose information acquired through the coaching engagement, be it through assessments, interviews or coaching conversations. This information belongs to the coachee and cannot generally be shared without the express or written permission of the coachee. Should any information or data be shared without consent this could be classified as breach of confidentiality which may have serious effects on the coach and their reputation and practice.

Confidentiality enables greater trust, openness and insightful discovery between a coachee and coach. It is one the cornerstone of a successful coaching relationship, and widely discussed in professional codes of ethics (ICF 2020 and GCE, 2021). But it's also important to recognise there are certain limitations to confidentiality, as there are in all relationships. We will explore this in more detail in the sections below.



Why is confidentiality important in a coaching relationship?

For a successful coaching relationship to be established, it is key for a coach to ensure confidentiality is upheld during and after the coaching engagement. If a coachee has to worry about the information they share during their session getting out to employees, colleagues or other senior leadership, this would limit the freedom to share about the difficulties, challenges and issues faced. Having this freedom through the entire coaching conversation, enables the possibility for better insights.

At the start of a coaching engagement, a coaching contract lays the foundation for building trust, confidence and rapport between the coach and coachee. It is highly recommended that this contract is clear, simple and easy to understand. It also should avoid statements or promises such as 'total' or 'absolute' confidentiality for instance, in everything that would be discussed over the coaching engagement because, as we will soon discover, there are rare but crucial cases for which confidentiality has to be broken.

How are coaches being held accountable for confidentiality?

Increasingly in today's litigious world, confidentiality is considered to be a sensitive topic within the coaching industry. With just one incident tagged to a breach of confidentiality, a coach's reputation and practice is compromised. Coaches are held accountable through professional coaching bodies that oversee and certify coaches all over the world to the highest standards when it comes to coaching practice. Each of these governing bodies (such as ICF, EMCC, IAC) have a code of conduct that every member coach must adhere to, and confidentiality is one of the key components. Confidentiality is similarly held at the highest level across these coaching bodies and generally cover the topics below :

- 1. Maintaining data relevant to the coachee and organisation to the highest and strictest level of confidentiality, unless release is required by law.**
- 2. Having a mutually agreeable coaching contract that clearly states how the coaching information will be used amongst the coach, coachee and organisation.**
- 3. The coaching contract should also state the boundaries of the coaching relationships and under what circumstances would information be shared.**

When can confidentiality be broken legally and ethically?

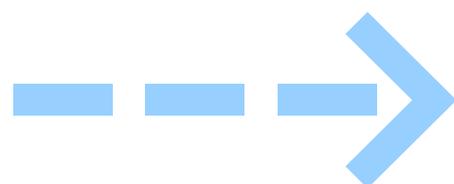
A common misconception around confidentiality is that coaching is completely confidential. This is not true. There are certain circumstances where confidentiality can be broken. At CoachHub we are up front about this at the start of each coaching assignment, as we believe it is important to both confirm the confidential nature of the conversation but remind coachees of the limitations. These limitations to confidentiality can generally be considered under two headings (Passmore & Sinclair, 2021): Firstly serious illegality, secondly where there is a serious risk of harm to self or others.

For instance, a coach may be compelled to disclose confidential information by a court of law, this may relate to a specific individual or incident. Professional coaches are obliged by their Code of Ethics to uphold the law in the countries, and states, in which they work, and thus would comply with such an order, even when not resident of that country. The second criteria where confidentiality may need to be broken is in cases where there is a risk of serious harm to an individual. Such circumstances might involve where children or vulnerable people are being abused, or where there is a risk of harm to the coachee by themselves or others.

In such cases the coach needs to make a judgement if, when and how to act. In most cases the situation is not clear cut. This is one of the reasons why coach supervision is recognised as an essential ingredient in high quality coaching, as it provides a way to protect both coaches and coachees, providing space for reflection, advice and guidance. There are often situations, when the coach with their supervisor, will consider the ethical implications of any action in an anonymous manner. In doing so, it is likely they will discuss with their supervisor legal implications, the code of ethics and consider multiple perspectives before coming to a decision.

What to do if your coach breaches the confidentiality rules?

Coaches who are accredited with the main professional bodies commit to uphold the highest ethical standards in their coaching practice. This commitment also provides reassurance for those outside of the coaching industry about the integrity, and ethical conduct of accredited coaches. In saying that, if a coach breaches confidentiality the coach may be held responsible for their action. Coachees have the right to complain to the coaching provider, and to the professional body. Most providers and professional bodies have procedures to manage complaints (EMCC, 2022; ICF 2017) and can be found on their official website.



GDPR and coaching

In this paragraph we will address the theme of confidentiality in coaching within the framework of the GDPR.

1. Overview

The General Data Protection Regulation (GDPR) (Regulation 2016/679) came into effect on May 25, 2018 and it replaced the European Union's Data Protection Directive (Directive 95/46/EC). One of the core goals of the GDPR is to harmonize data protection laws within the European Union. The GDPR has had a huge global impact due to the globalisation of coaching, with many firms, coaches and the technology they use crossing in and out of the EU. The GDPR applies not just to companies located within the EU or that have an establishment in the EU. Rather, the GDPR applies to all EEA companies as well as globally to all companies who process personal data of persons located within the EEA (for details, see Art. 3 GDPR). In fact, the GDPR will be applicable regardless of citizenship or place of residence. The scope of the GDPR is really broad also because there is nothing like a small business or minor processing exception (however, processing in a family setting can be excluded as per Art. 2 lit. c)).

2. Confidentiality

One of the key principles of the GDPR is confidentiality: Personal data should be

"processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')." (Art. 5 GDPR lit. f))



The duty of confidentiality applies directly to coaches. Therefore, it is of pivotal importance that coaches (both in a digital and face-to-face coaching) implement technical and organisational measures, for example:

- data backups (ensure availability),
- accuracy checks,
- data protection contracts (ensure data protection for any vendors used),
- access control (for example, locks to a data safe),
- data separation,
- safe and regular data deletion according to a related concept following all applicable legal requirements).



Some important issues coaches can consider:

- Have data protection notice, a confidentiality agreement and a processing contract ready.
- Handle all information about coachees with extra care.
- Collect and process as little information about coachees as possible.
- Lock your computer, do not keep notes easily accessible, destroy them securely.
- Conduct coaching sessions in a protected space.
- Use of safe passwords and good security practices (such as a password manager and regular system updates).
- Watch out for phishing attempts.

Please be aware that due to the nature of coaching, a coach may have to deal with special categories of personal data. Special categories of personal data include data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, data concerning health or data concerning a natural person's sex life or sexual orientation (cf. Art. 9 GDPR). When dealing with special categories of personal data, additional precautions are required, because generally the processing is prohibited as stated by art. 9 GDPR:

"Processing of [special categories of] personal data (...) shall be prohibited."

Processing is permitted as an exception, for example if the processing is necessary *"pursuant to a contract with an health professional (..)"*.

3. Conclusion

The GDPR has a big impact on coaching and in particular on digital coaching. Therefore, it is very important for coaches to be mindful of the obligations imposed by the GDPR. A violation of the GDPR can lead to fines (up to 20 Million € or 4% of gross annual corporate group turnover), loss of trust and brand damage which might negatively impact and compromise your business. And trust is at the very core of the coaching relationship.

Reference :

EMCC (2022) EMCC Complaints Procedure. Retrieved on 10th January 2022 from https://emccuk.org/Public/About/Policies/Complaints_Procedure.aspx

ICF (2017). ICF Complaints Procedure. Retrieved on 10th January 2022 from <https://coachingfederation.org/app/uploads/2017/12/ECRProcess.pdf>

Passmore, J. & Sinclair, T. (2021). *Becoming a Coach: The Essential ICF Guide*, Berlin : Springer.