

Confidentiality in the United Church of Christ

Some Theological Reflections

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February 2002

How does the United Church of Christ understand confidentiality? Is there a difference between protestant and Roman Catholic understandings of this word and practice? Can a group or committee such as a Committee on the Ministry or a Search Committee promise confidentiality? Can clergy be mandated reporters in instances of child abuse? Can ecclesiastical records be subject to disclosure in a secular legal proceeding?

This paper is not an effort to answer and resolve these questions. It is rather an invitation to enter into the dialogue about confidentiality in an effort to discern some common understandings and approaches for our church. We invite and encourage conference staff, boards of covenantal ministries, Committees on the Ministry and others to read, discuss and enter into the conversation.

INTRODUCTION

The United Church of Christ has long held confidentiality as a ministerial practice to be honored and valued among and by those whom it authorizes for ministry in and on behalf of the church. The notion that confidentiality is understood as a core value for the practice of ministry is given force by the presence of confidentiality within the vows a person takes upon entering ordained ministry. The ordination vows affirm the sacred character of ordained ministry and attest to the covenant entered into by an individual, the church, and God for the sake of the church's ministry. A promise to "keep silent all confidences shared" is then seen by the United Church of Christ as a commitment or covenant of the highest order of importance for both its clergy and for the ministry they represent and of which they are a part.

Because confidentiality is an important and core value for the practice of ministry in our church, it is appropriate that we reflect upon its meaning(s). Such reflection will enable us to learn from popular and secular meanings ascribed to the term while at the same time contribute to the wider culture as it seeks to understand and use notions of confidentiality within a wide range of cultural contexts and settings.

This paper will approach the topic from five different perspectives:

- **Theological and Biblical Underpinnings.** Stewardship is key to understanding confidentiality. This emerges out of semantic and biblical reflection on the nature of confidentiality.
- **Theology of Ministry.** What is distinctive about ordained ministry that sets the ordained apart from the priesthood of all believers? Are authorized ministers subject to a higher standard as regards confidentiality?
- **Ministerial Ethics.** The presence of confidentiality within the United Church of Christ ministerial codes suggests that this is a highly valued and critically important issue for ministry and also makes issues of confidentiality inseparable from issues of impartiality.
- **Ministerial Roles.** Does our understanding of confidentiality change as we move among varying ministerial roles?
- **Other Related Concepts.** How does confidentiality relate to our understandings of secrecy, and privileged communication as used in the secular world?

Exploring the meaning of confidentiality from these several perspectives may begin to open up a range of meanings and insights that inform our theological understanding of the term.

THEOLOGICAL AND BIBLICAL UNDERPINNINGS CONFIDENTIALITY

The English verb *to confide* has as its root the Latin prefix *com-* (meaning *with*) and the Latin verb *fidere* (meaning *to trust*). The word is also derived from the Latin noun *fides* (meaning *faith*). Therefore, at its root, *confide* conveys a sense of sharing something *with trust* or *with faith*. In fact the English verb *to entrust* may be a close synonym to the verb *to confide*.

In the following sentence each of the variants of this same word depends upon this same underlying meaning:

The **confider** **confided** in his **confidant** **confident** that the **confidence** would be treated **confidentially** because of her vow of **confidentiality**.

In addition to this closely related family of words, there are other words in the English language that are derived from the Latin roots *fidere* and *fides*. These related derivatives include: fidelity, fiduciary, faith, fealty, and federal. All of these words in English convey notions of trust and loyalty.

Given this, any theological reflection on the meaning of confidentiality must take the notion of trust and faith seriously. When a person enters into a confidential relationship, what can that person reasonably or likely expect in regards to that relationship?

If the content of a confidence is viewed as a trust, then we may begin to understand confidentiality through Biblical and theological understandings of stewardship. *To confide* is to place in trust and the one who receives the confidence becomes a steward or trustee. The utterance does not belong to the recipient; it is not given as a gift. Rather the recipient receives the utterance as a responsibility, i.e. the responsibility to treat and protect the utterance in the interest of and for the benefit of the person sharing the confidence. The recipient is assuming a fiduciary responsibility in receiving the confidence.

It may also be argued that when sharing a confidence, persons are entrusting more than the mere content of their utterance or certain information. They are placing their very beings and self-identity into the care and protection of the person. The trust extends beyond the specifics of the information shared to responsibility for the care and well being of the person and the relationship between the confider and the confidant. The confidant assumes a responsibility to care for the well being of the individual confider as a person. The content is a representative extension of the individual and must be treated as such. The content can never be divorced from or wholly separate from the individual sharing the confidence. The confidant is steward not only of the information shared, but also of the individual doing the sharing.

Several Biblical passages may help us focus the pastor's responsibility to receive and treat the confidence as a trust. In the 34th chapter of Ezekiel, the prophet proclaims God's condemnation of the shepherds of Israel for their violation of this basic fiduciary responsibility:

Woe to the shepherds of Israel who only take care of themselves. Should not shepherds take care of the flock?
- Ezekiel 34:2 NIV

The notion that the shepherds are ultimately responsible for the interests of the sheep and not their own self-interest is echoed again in Jesus'

teaching about the good shepherd in John's Gospel. The good shepherd sacrifices self-interest for the sake of the other, cares for the flock, and knows the sheep personally and individually. The underlying fiduciary responsibility is for the well being, safety, and protection of each member of the flock:

The hired hand is not the shepherd who owns the sheep. So when he sees the wolf coming, he abandons the sheep and runs away. ... The man runs away because he is a hired hand and cares nothing for the sheep. I am the good shepherd; I know my sheep and my sheep know me ... and I lay down my life for the sheep.

- John 10:12-15 NIV

Jesus also helps us understand our fiduciary responsibilities in the two versions of the parable of the Talents (Matthew 15:15-30, Luke 19:11-27). In these familiar parables, the master entrusts his wealth into the care and keeping of the servants. However, the message in both cases is that they are not merely to bury their responsibility in the ground, but they are to use the resources entrusted into their care as the master would use them. They are also to use them in such a way that their allegiance to the master is clear and comes before their own self-interest. Burying that which is entrusted to their care in the ground keeps it safe, but it does not necessarily demonstrate fealty to the master.

When we ask what persons might expect when sharing a confidence, we readily see that the confidant bears a fiduciary responsibility to treat the confidence as a trust belonging to the individual. This information then is to be held in trust, bearing in mind the best interests of the person sharing the information rather than the interests of the confidant.

In large measure, the interests of the individual drive our understandings of confidentiality. It is assumed to be in the individual's interest to have appropriate opportunities to share fully, completely and honestly without fear that doing so will be detrimental or injurious to their self-interest. We assume, for example that sharing fully with a spiritual advisor or pastor enables adequate care for the individual. It is critical to remember that the interests of the individual who owns the information come first – not the interests of the clergy person.

However, it may also be seen that the interests of the individual may call for the information to be shared when doing so is done with the individual's permission. It may also be shared when, as suggested by the parable of the talents, doing so is an expression of allegiance and loyalty to that individual.

When viewed in this way, there may be circumstances when a confidence is shared in the interest of maintaining the trust and faith of the individual in the ministry itself. The individual may

reasonably expect that the minister will use the information shared in the confidential communication in ways that do no harm, and further, in ways that promote the well being and safety of that individual and others. There may be instances when keeping a specific confidence may be seen as a violation of that person's trust or confidence in the office of minister. In these circumstances, it may be permissible to share the confidence in order to maintain trust and faith in the ministerial office.

There may also be times when the person receiving the confidence is the holder of several competing trusts. There may be times when there are competing ethical claims that appear to require compromising one trust in order to maintain another. For example, maintaining a confidence may inappropriately put the confidant in a position of accomplice or enabler of illegal, immoral, or unethical behavior. The confidant may refuse to accept the role of confidant and may in certain circumstances break a confidence if keeping the confidence would place the confidant in an illegal, immoral, or unethical position himself or herself. In other words, there may be instances where burying one's talent and keeping it safe is not enough. Persons may be called upon to bring the talent out into the open in order to demonstrate allegiance and loyalty to the master.

THEOLOGY OF MINISTRY

We turn now to our understanding of ministry in the United Church of Christ to see how this may inform our understandings of confidentiality. Up to this point, we have been concerned with an understanding of confidentiality that would be generally recognized as growing out of the inherent meaning of the word. Understanding confidence as a relationship of trust and faith is true whether one confides in a friend, a Christian friend, or an ordained minister.

In United Church of Christ polity and practice, all Christians are called to exercise ministry. All baptized persons are members of the priesthood of all believers and called upon to participate in the ministry of the whole people of God. For this reason, any baptized person may receive a spiritual confession and practice confidentiality:

Services of reconciliation are one means by which the church expresses the universal priesthood of all believers (1 Peter 2:5,9; Revelation 5:10). Christians are called to "bear one another's burdens and so fulfill the law of Christ" (Galatians 6:2). Priesthood, by definition, is a ministry exercised in behalf of others. It is the privilege and responsibility of Christians to intercede for one another's sins with God's help, and assure one another of God's forgiveness when Christians are alienated from God and neighbors.

-Order for Corporate Reconciliation, and
Order for Reconciliation of a Penitent Person
both from *United Church of Christ Book of Worship*, pp.
268, 275.

Furthermore, all Christians, particularly members of the United Church of Christ are called to honor confidences that are shared when participating in and leading services of reconciliation and penitence.

[The Order for Reconciliation of a Penitent Person] may be adapted to the particular circumstance in which it is to be used. **It is absolutely essential that great care be taken to protect the confidentiality of the conversation with the penitent person.** A pastor or another representative of the church may lead the service. It is recommended that this order be used only after the one leading it has had adequate opportunity to establish a relationship with the person seeking reconciliation.

- Order for Reconciliation of a Penitent Person
- (Emphasis Added)
United Church of Christ Book of Worship, p. 268.

By affirming the ministry of all, the United Church of Christ locates the presence and power of the Holy Spirit within all members, individually and corporately. The Church and all its members comprise the incarnate body of Christ (1 Corinthians 12). While some traditions might view the ordained ministry as uniquely incarnational (i.e. the priest is the incarnate presence of God to the community), we in the United Church of Christ recognize this incarnate presence of God within the whole community.

Ordained, licensed and commissioned ministers in the United Church of Christ have a distinctive role to minister in the name of and on behalf of the church. They are **representative** ministers. These authorized ministers hold membership in the corporate ministry of the church in addition to their individual membership in the household of faith.

What is distinctive about the nature of authorized ministry is that in addition to their personal sense of calling and participation in God's incarnational ministry, they are (1) **called**, (2) **recognized**, and (3) **authorized** by the church to be representative ministers of the United Church of Christ. (See article VI, paragraph 21 of the Constitution of the United Church of Christ.) They represent the corporate ministry of the United Church of Christ. Authorized ministers are distinct precisely because they are called and set apart as representatives of the community of faith and not merely individuals acting on their personal sense of call and commitment. In representative ministry, the minister re-presents the people before God and the world as well as re-presents God within the church and the world.

Confidentiality is not something reserved for the clergy alone. The fiduciary character of confidentiality binds all ministers whether they are authorized or not. However, authorized ministers carry the additional responsibility of representing the whole church and its corporate ministry. Authorized ministers are not only the trustees of the confidence, but they are trustees of the ministry itself and

responsible for the care and well being of the whole church and all of the members and others who seek ministry from the church.

It is in part, because of the representative character of authorized ministry we expect authorized ministers to "honor all confidences." To dishonor a trust is to dishonor all that is represented by the representative minister: the Church, the Ministry, and God.

Because the representative minister is bound by multiple trusts, however, there may emerge ethical and theological tensions should conflict arise between the fiduciary responsibility to exercise ministry and the fiduciary responsibility to maintain a confidence. An authorized minister may receive confidential information that if not disclosed would threaten the honor and integrity of the Ministry itself. Let us suppose, for example, that a parishioner seeks to share something in confidence with a pastor and the pastor agrees to handle the information in confidence. The parishioner proceeds to describe unethical conduct on the part of another authorized minister. If the pastor does not share this information it is likely the unethical behavior will continue. Individuals, the church, and the ministry will all be significantly damaged. On the other hand, if the pastor by sharing the information seeks to deter the unethical conduct for the sake of those who will be harmed, this may appear to be a breach of confidentiality. In either case, there may be a breach of trust.

One way to reduce such conflict between competing trusts and ethical demands is for authorized ministers to be cognizant of the representative character of their calling. Authorized ministers might do well to clarify that they have agreed to act as confidant prior to receiving any confidential information. Such a clarification should also indicate any legal or moral obligations that may limit one's willingness to be a confidant.

MINISTERIAL ETHICS

We shift our focus now to the ethics of ministry as suggested by the ministerial codes of the United Church of Christ and by the vows taken at the time of ordination.

The codes for the various authorized ministries in the United Church of Christ set forth an ethical standard or norm regarding confidentiality.

I will regard all persons with equal respect and concern, and undertake to minister impartially.

I will honor all confidences shared with me.
- Licensed, Commissioned, and Ordained Minister's Code
all from United Church of Christ *Manual on Ministry*, pp. 20-25.

We will regard all persons with equal respect and concern, and support and expect our pastor to undertake to minister impartially. ...

We recognize and respect that our pastor receives confidential and privileged communication.

-The Local Church in Relation to its Pastor
United Church of Christ
Manual on Ministry, p. 26

In addition, among the vows taken at one's ordination, two are clearly ethical in tone and character. By responding affirmatively to these questions, the candidate makes a solemn promise and enters into a holy covenant to maintain these ethical norms:

Will you keep silent all confidences shared with you? I will.

Will you seek to regard all people with equal love and concern and undertake to minister impartially to the needs of all? I will.

-Order for Ordination to Ministry
United Church of Christ
Book of Worship, p. 408

The fact that the codes contain a number of additional ethical statements while only these two are named in the ordination vows illustrates the high value the United Church of Christ places upon these two norms for the conduct of ordained ministers. While all persons are called upon to participate in the ministry of the Church, ordained ministers are particularly singled out and called to uphold the ethical demands of impartiality and confidentiality.

It is important to note that conflict between the competing claims of these two norms may arise. Does, for example, the call to minister impartially to all, conflict with the claim to honor confidentiality when a pastor learns of impending or ongoing harm to an individual? May information received in confidence be used to assist victims of illegal, immoral, or unethical behavior in seeking and obtaining justice, or their emotional and spiritual healing? Which ethical norm is to take precedence in these cases? How does one minister impartially and at the same time maintain confidences? How does one resolve conflicting ethical claims that may occur?

We also note that the ordination vows and the ministerial codes use slightly different language in calling upon ministers to respect confidentiality. The codes call upon persons to "*honor* all confidences" while the vows call upon persons to "*keep silent* all confidences." The language of the codes may be more consistent with the fiduciary nature of confidentiality. There may be occasions, for example, when honoring the fiduciary nature of confidentiality – maintaining trust – requires breaking the silence. This may occur if doing so has the person's permission, if it is in the best interest of the confider, if doing so is to prevent harm to the

individual or another, or if failure to do so would lead to complicity in unethical, immoral, or illegal behavior.

MINISTERIAL ROLES

We turn now to a discussion of four basic roles and functions present in the practice of authorized ministry in the United Church of Christ. We may discover subtle variations in the practice of confidentiality arising out of the role context of the ministry. Others have written about confidentiality and noted that not all confidentiality is the same. Indeed depending on the context, the understanding of confidentiality may shift significantly.¹

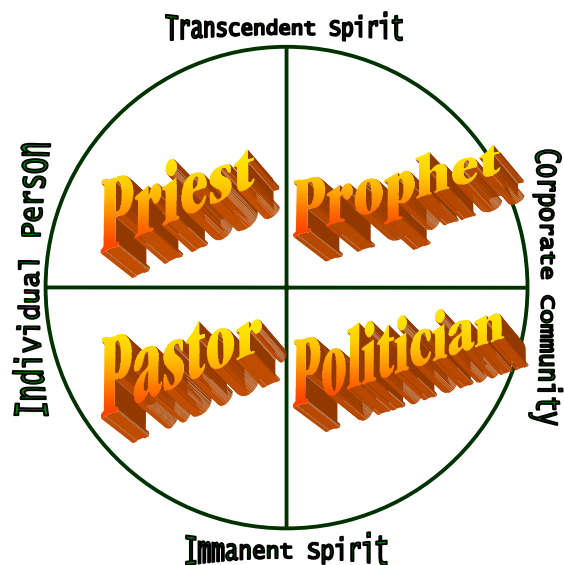
For the purposes of this paper, we will consider ministry as taking place in relation to two polarities or continua. One is the continuum between the individual and the community; the other is a continuum between immanence and transcendence. Four basic roles or functions of ministry (priest, prophet, pastor and politician) reflect the interaction between these two polarities.

The **priest** carries out those functions where individuals and the transcendent expression of the holy come together. For example, in a rite or ritual of individual penitence, the priest brings the confession of the individual to God in order that the person might know God's forgiveness and absolution.

The **prophet** brings the transcendent into interaction with the community. Just as the prophets of the scriptures proclaimed the divine word for the nation and the whole community, the prophetic ministry of our time proclaims the Word for the community.

The **pastor** works with individuals, but the focus here is on God as manifest and incarnate in the natural or created order of each unique individual. Pastoral counseling is one form of ministry that enables persons to grow and find personal spiritual wholeness.

The role of **politician** in ministry involves work at the intersection of the community's corporate needs and the imminent and incarnate Spirit within the natural and created order. The implementation of corporate systems of justice and peace become concrete expressions of a God whose dwelling place is with and among us.



None of these four roles are ever "pure" or carried out in isolation from one another. Indeed, as ministry is carried out from day to day in our experience there are transcendent and imminent dimensions; individual as well as corporate expressions.

If we can proceed with these four basic roles for ministry, then we can begin to see that in each role, confidentiality plays a somewhat distinctive part of each form of ministry. We will also discover that confidentiality is a familiar concept that is already in use as we carry out each of the four roles.

Confidentiality in the Priestly Role. We are all familiar with the role of the priest in receiving confession of the penitent person and sharing the absolution and forgiveness of sins from God. We readily understand that culturally and theologically, this rite of penitence conducted as part of the priestly role calls for honoring confidentiality with respect to the confession of the penitent person. We have already noted that the introduction to the service of penitence calls for honoring the principles of confidentiality as this priestly role of ministry is assumed.

It is not difficult to see how our notion of confidentiality as a fiduciary responsibility contributes a significant theological underpinning for this

¹ Craig Nesson, for example, has recently described nine levels of confidentiality "in which level one is the most guarded." His nine levels include:

- Confessional seal
- An entrusted confidence
- A promised confidence
- An implicit confidence
- Staff-only confidence
- Consultation
- Collegial sharing
- Congregational council/church committee confidence
- Congregational confidence.

See Nesson, Craig L. Th.D., "Confidentiality: Sacred Trust and Ethical Quagmire" in *The Journal of Pastoral Care*, Winter 1998, Vol. 52, No 4, Pages 349-357.

common practice and understanding. In the rite of confession, the penitent person gives information to the “priest” in trust. There is an underlying assumption that the information will be used for the benefit of the penitent person. In this case, secrecy is not a goal. Rather, confession and penitence assume the information will be shared with appropriate parties (i.e. God) in a timely manner in order that God may fulfill God’s promise of forgiveness and absolution.

Confidentiality in the Pastoral Role. We are also familiar with the role of the pastor in providing pastoral counseling and guidance to persons seeking emotional or spiritual wholeness. Again, our common understandings are that when in the counseling role, pastors honor the confidential nature of the counseling relationship.

Again, information is shared as a trust with the assumption that the pastoral counselor will use the information for the benefit and well being of the one being counseled. This is not a relationship of secrecy. In fact the counselor may consult or refer to others with greater expertise in order to meet the needs of the counselee. There is also recognition that the information may be shared with appropriate authorities if doing so would protect the counselee from harming self or others. This sharing would clearly be within the interest of the counselee and therefore fall within the trust relationship inherent in confidentiality.

Confidentiality in the Prophetic Role. There is a fiduciary relationship between God and the community that is inherent within the role of the prophet. The prophet receives the Word of God and is obligated to treat that Word as a sacred trust. God entrusts the prophet with the Word expecting that the prophet will treat the trust in the manner intended by God. Two phrases appear regularly in the writings of the Hebrew prophets: “Thus saith the Lord.” and “Go to [the people] and say unto [them.]” In both cases, the role is clear. This is God’s message. The prophet is to hold the community accountable for acting in accordance with this holy word.

The notion of holding the community accountable to God’s word is not unknown to us. When an association Committee on the Ministry holds ministers and local churches accountable to the faith and practice of ministry they are exercising this prophetic role in real and concrete ways. The corporate ministry of the church is entrusted to their care and oversight. We readily understand and see the confidential nature of this corporate episcopacy. The standards and norms are given in confidence – not to be held in secret, but to be shared with appropriate parties that they might know God’s Word and live as a community accountable to it.

Confidentiality in the Political Role. The political role of ministry involves work with the concrete and incarnate manifestation of God in the life of the community. The search and call process of the United Church of Christ is among the political manifestations of ministry precisely because it takes place where God’s will becomes manifest within the community of God’s people. The corporate ministry of the whole church is enabled as individual ministers are called to provide leadership among specific local churches and communities of God’s people.

We readily acknowledge the confidential nature of elements of the search and call process. Profiles are shared in confidence. Information about candidates and local churches is shared among certain persons and groups in order to facilitate the discernment of a call to ministry. We clearly understand that authorized persons and groups receive this information not as a secret to be guarded, but as information to be shared with appropriate parties in order to facilitate this discernment of God’s call. The information is held in trust keeping in mind the interests and well being of the subject of the information as well as the express purpose or intention of the communication and what is hoped to be accomplished by sharing it to begin with.

Thus we can see that confidentiality is not confined to only one or two of the ministerial roles. Rather, confidentiality is readily seen and practiced in a variety of ways in United Church of Christ ministry. Several common threads emerge when we reflect on the inherent fiduciary nature of confidentiality. These common threads are present in all four ministerial roles:

- 1) The content of the confidence is always understood as something to be held in trust for another.
- 2) Confidences are not secrets, but are always shared with the understanding that they will be shared as appropriate in order to foster and promote the interests and well being of the confider.
- 3) The sharing of confidences always takes place within a context of an intended purpose and goal (i.e. absolution and forgiveness, spiritual or emotional health, accountability to God’s Word, discernment of God’s call.)

OTHER RELATED CONCEPTS

United Church of Christ ministry is not carried out in a vacuum apart from the wider culture. In addition to notions of confidentiality as explored so far in this paper, there are other ways in which we may be

expected to receive and handle certain types of information. It is important that we understand the distinction between confidentiality, secrecy, and privileged communication. Understanding the distinctions between these three different ways of handling information provides additional clarity to the meaning behind the vows and expectations of the church regarding confidentiality.

Secrecy. To enter into an agreement of secrecy is to agree that the information will not be disclosed or shared beyond the participants in the agreement without the mutual recognition of all parties that such disclosure would be appropriate. The role and place of making an agreement is critical to the functioning of secrets. To disclose a secret is to abrogate an agreement (whether stated, implied, or understood.)

In secular society, government, industry, and others maintain the proprietary nature of some information using secrets. Secrecy serves to protect the community from the harmful or negative consequences of disclosure such as loss of profit in a business setting or clear danger in a setting such as war or national interest. In these instances, it is the information itself that is the focus of the secret. In most instances, secrecy is employed within an ethos of competition and distrust. Those sworn to maintain the secret are sworn to secrecy prior to learning the secret. They are bound by the secrecy agreement to never disclose the secret because doing so would jeopardize the safety or well being of the community or of another.

In all cases, therefore, it is important that all parties to the secret have the capacity to enter into this agreement and, if necessary, to negotiate an end to the agreement. Secrets involving two or more persons where a significant imbalance of power exists are problematic precisely because one or another of the parties may be incapable of either entering into the agreement or negotiating the circumstances for ending the secrecy agreement. In contrast, when a power imbalance exists, our notions of confidentiality provide a means whereby the information can be shared with an understanding that the confidant will honor the interests and well being of the confider in spite of any imbalance of power that may exist between them.

Privileged Communication. In the United States, there are clear provisions to protect the legal rights of individuals. In all states, there are privileged communication statutes that bar the courts from discovering and introducing into evidence information that an individual may have shared within a limited number of clearly specified relationships. A spouse may not be required to testify against his or her partner; a lawyer cannot be compelled to share

what a client has said; clergy may not divulge the confession of a penitent in court; etc.

Privileged Communication is a very limited and focused application of our understandings of confidentiality. In this instance, the government has specified that certain relationships are inherently confidential as they relate to our justice system. Individuals are encouraged to share and confide in certain specified persons (i.e. spouse, doctor, lawyer, and priest) with assurance that these persons may not be compelled to testify. The context of their relationship with the defendant is what makes these communications confidential in nature and therefore privileged.

In all cases, state and local jurisdictions clearly specify the parameters surrounding privileged communication. The communication must be with an individual acting within one of the protected roles at the time of the communication. The communication must be identified as privileged before being shared. The protection is generally understood to be a legal protection and may not extend to ecclesiastical settings.

If we try to summarize the distinction between secrets, privileged communications, and confidentiality, we may say the following:

Secrets involve the mutual agreement among all participants that the secret will not be disclosed under any circumstances, at any time, with any person not also sworn to maintain the secret. Secrets may only be divulged upon the dissolution of the secrecy agreement or when a person is released from the oath of secrecy.

Privileged Communications prohibit the discovery of certain specified communications with specified persons under clearly specified circumstances by a court of law or agents of the United States legal and justice systems.

Confidences. Confidential information is neither secret nor privileged communication. Rather it is the receiving, holding, and sharing of information on behalf of another. The interest and well being of the confider is primary for discerning what may be shared, under what circumstances, with whom, and when such sharing may be appropriate. It is consistent with this understanding of confidentiality, for example, to share confidential information needed by those who require the information in order to exercise a legitimate function or role. Such sharing however would be limited to only the information required by a legitimate third party to make an informed decision or take an informed action, and then only when that limited information is needed.

SUMMARY AND CONCLUSION

Our purpose in this paper has been to explore our theological understandings of confidentiality in the United Church of Christ from a number of perspectives.

We have seen how the theological and biblical reflection helps us understand confidentiality as a trust.

As we explored the theology of ministry in the United Church of Christ, we came to appreciate that confidentiality is not limited to those who are ordained. However, we also note that authorized ministers may have greater expectations regarding their role as confidant.

When considering the ethical codes and norms for the practice of authorized ministry in the United Church of Christ, we noted the high value we place on honoring confidentiality. We also noted that the ethical norm of ministering with impartiality may at times present ethical dilemmas for those engaged in ministry.

We noted in our exploration of various ministerial roles that issues of confidentiality are present throughout the practice of ministry. Issues and concerns for the confidential treatment of information are not confined to pastoral counseling and priestly confession, but are also present in the episcopal prophetic functions of Committees on the Ministry and within the political functions of the Church's search and call processes.

Finally, we noted the distinctive character of information handled as secrets, privileged communications, or confidences.

Throughout, we have seen that confidentiality is not so much about the withholding of information as it is about defining the circumstances and factors that guide the sharing of information. A confidence is a trust to be received, held and shared in a manner that honors the fiduciary nature of the relationship. There are times and circumstances when honoring this trust relationship require the sharing of the information. There are other times and circumstances when honoring the trust means keeping "silent" the information that has been shared. Thinking of confidentiality as a trust relationship helps us discern when sharing is appropriate or even required and when it is not.

We have sought to provide a framework for thinking and wrestling with issues of confidentiality that is consistent with the faith and polity of the United Church of Christ. Hopefully, this framework will be

helpful to three distinct groups of people in the United Church of Christ:

- 1) those caught in the ethical dilemmas arising from the practice of confidentiality;
- 2) those considering policies addressing issues of confidentiality or calling for confidentiality in an ecclesiological process or procedure;
- 3) those seeking to exercise oversight for the practice of confidentiality by authorized ministers in the United Church of Christ.

Finally, it is hoped that this paper will generate conversation, thought, and debate throughout the United Church of Christ. Persons and groups are invited and encouraged to engage the issues raised here and provide comment and feedback.²

² Readers are welcome to forward comment or feedback to
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