

**805D-56M-1702**  
**Identify Protection Requirements for Chaplain Communications**  
**Status: Approved**

---

**Security Classification: U** - Unclassified

**Distribution Restriction:** Approved for public release; distribution is unlimited.

**Destruction Notice:** None

**Foreign Disclosure: FD1** - This training product has been reviewed by the training developers in coordination with the FD1 foreign disclosure officer. This training product can be used to instruct international military students from all approved countries without restrictions.

**Conditions:** In a tactical or non-tactical environment, the Chaplain directed Religious Affairs Specialist (RAS) will Identify Communication Protection Requirements for Chaplain. RAS will review and update policy to protect sensitive information, privilege communication and confidentiality within the Unit Ministry Team (UMT). Access to appropriate facilities, supporting chaplain and RAS, and AR 165-1, para 16-2 Confidential and privileged communications, are provided. This task should not be trained in MOPP 4.

**Standards:** Identify Protection Requirements in order to properly protect sensitive information, privileged communications, and confidentiality. Adhere to all performance measures without error, utilizing the GO/NO criteria in accordance with AR 165-1.

**Special Conditions:** None

**Safety Risk:** Low

**MOPP 4:** Never

**Task Statements**

**Cue:** None

**DANGER**

None

**WARNING**

None

**CAUTION**

None

**Remarks:** None

**Notes:** None

## Performance Steps

1. Identify the three legal and regulatory foundations of Confidential Communication.

a. Supreme Court – Supreme Court decisions sets precedence in *Trammel v. U.S.*, 445 U.S. 40 (1980) The U.S. Supreme Court recognized “the human need to disclose to a spiritual counsel, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return.

b. Military Rules of Evidence 503 – Rules that govern admissibility of evidence in trials by courts-martial.

c. Army Regulation 165-1 Chapter 16-2 – Defines confidential communication and the role of the Chaplain and Religious Affairs Specialist with regards to safeguarding confidential communication.

2. Identify three types of communication.

a. Confidential communication is any communication given to a chaplain by an individual, to include enemy prisoners of war, if such communication is made either as a formal act of religion or as a matter of conscience. A communication is “confidential” if made to a chaplain in the chaplain’s capacity as a spiritual advisor or to a religious affairs specialist in his or her official capacity and is not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the purpose of the communication or to those reasonably necessary for the transmission of the communication.

b. Privileged and confidential communication are often considered to be synonymous. However, when they are differentiated, privileged communications refer to information that is not admissible in a court or legal action while confidential communication is a more general concept, referring to information that is protected both in and out of the legal context. Generally, a privileged communication is also confidential.

c. Sensitive Information – any information that is not confidential that would be inappropriate subject for general dissemination to a third party (such as attendance at substance abuse clinics, treatment by counselors, prior arrests).

3. Identify requirements for release from privilege.

a. Counselee must freely give permission to disclose confidential or privileged information.

b. Information to be disclosed must be specifically identified.

c. Whenever possible consent will be given in writing.

d. When consent is granted, it must be after the Chaplain/Religious Affairs Specialist receives the communication.

e. Release from confidentiality is inapplicable when Chaplain is bound by requirements of sacramental confession.

f. Religious Affairs Specialists do not violate confidentiality by informing the Chaplain or supervisory Religious Affairs Specialist and are encouraged to keep their Chaplain informed of situations.

4. Describe when personal communication between a Chaplain and Religious Affairs Specialist does not qualify as confidential.

a. Privilege does not extend between Chaplains/Religious Affairs Specialist and their supervisors when discussing personal or professional issues.

b. Chaplains and Religious Affairs Specialist who require pastoral counseling or sacraments must do so with a Chaplain outside their supervisory chain to claim privilege and avoid conflicting responsibilities.

5. Notify all UMT and Chaplain section members that US Army National Guard Chaplains and Religious Affairs Specialist mobilized under Title 32 or state active duty orders that they should refer to the Joint Force Headquarters State Chaplain for information regarding state-by-state rules on privileged communication.

6. Identify storage and disposition requirements for files containing confidential information.

a. Files are to be clearly marked “Confidential: Privileged Communication.”

b. Protected information files will be properly secured and safeguarded to ensure confidentiality or privilege cannot be breached.

c. Chaplains/Religious Affairs Specialist will personally dispose of these files and ensure their destruction through a secure means.

(Asterisks indicates a leader performance step.)

**Evaluation Guidance:** Score the Soldier GO if the Soldier passes (P) all performance measures. Score the Soldier NO GO if any performance measure if failed (F). If the Soldier scores NO GO, show the Soldier what he has done incorrectly and how to do it correctly.

**Evaluation Preparation:** Setup: Test this task in conjunction with simulated or real world scenarios. Ensure access to AR 165-1. Brief Soldier: Tell the Soldier to complete the process to protect sensitive information, privileged communications, and confidentiality.

PERFORMANCE MEASURES	GO	NO-GO	N/A
1. Identified the three legal and regulatory foundations of Confidential Communication.			
2. Identified three types of communication.			
3. Identified requirements for release from privilege.			
4. Described when personal communication between a Chaplain and Religious Affairs Specialist does not qualify as confidential.			
5. Notified all UMT and Chaplain section members that US Army National Guard Chaplains and Religious Affairs Specialists mobilized under Title 32 or state active duty orders that they should refer to the Joint Force Headquarters State Chaplain and the state Judge Advocate General for information regarding state-by-state rules on privileged communication.			
6. Identified storage and disposition requirements for files containing confidential information.			

**Supporting Reference(s):**

Step Number	Reference ID	Reference Name	Required	Primary	Source Information
	AR 165-1	Army Chaplain Corps Activities	Yes	Yes	
	ATP 1-05.1	Religious Support and the Operations Process	Yes	No	
	FM 1-05	Religious Support	Yes	No	
	JG 1-05	Religious Affairs in Joint Operations	Yes	No	

**TADSS :** None

**Equipment Items (LIN):** None

**Materiel Items (NSN) :**

Step ID	NSN	LIN	Title	Qty
No materiel items specified				

**Environment:** Environmental protection is not just the law but the right thing to do. It is a continual process and starts with deliberate planning. Always be alert to ways to protect our environment during training and missions. In doing so, you will contribute to the sustainment of our training resources while protecting people and the environment from harmful effects. Refer to the current Environmental Considerations manual and the current GTA Environmental-related Risk Assessment card. Environmental protection is a continual process. Always be alert to ways to protect our environment and reduce waste.

**Safety:** In a training environment, leaders must perform a risk assessment in accordance with current Risk Management Doctrine. Leaders will complete the current Deliberate Risk Assessment Worksheet in accordance with the TRADOC Safety Officer during the planning and completion of each task and sub-task by assessing mission, enemy, terrain and weather, troops and support available-time available and civil considerations, (METT-TC). Note: During MOPP training, leaders must ensure personnel are monitored for potential heat injury. Local policies and procedures must be followed during times of increased heat category in order to avoid heat related injury. Consider the MOPP work/rest cycles and water replacement guidelines IAW current CBRN doctrine. Everyone is responsible for safety. A thorough risk assessment must be completed prior to every mission or operation.

**Prerequisite Individual Tasks :** None

**Supporting Individual Tasks :** None

**Supported Individual Tasks :** None

**Supported Collective Tasks :** None

**Knowledges :** None

**Skills :** None

**ICTL Data :** None