



National Association of Judiciary Interpreters & Translators
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7.26.18 Statement: Interpreter Confidentiality

NAJIT has received several comments and questions from members and community members regarding the potential subpoenaing of an interpreter. Diplomatic interpreting does have its innate differences from legal, medical, and community interpreting, however one thing is a constant: interpreter confidentiality. One of the basic tenets of our professional code of ethics is confidentiality or secrecy as it is referred to by the United States Department of State. Notwithstanding issues of constitutional law or executive privilege, it is important to make the distinction that interpreters are an extension of the parties themselves.

There are a few professions that have special confidentiality or secrecy built into the way they operate which include: attorney-client privilege; doctor-patient confidentiality; priest or religious leader-confessor; reporter-source; interpreter-parties. These relationships share something in common and that is the inherent trust that is required for each party to fulfill their respective obligations. What party would speak honestly to their attorney or what heads of state would be willing to speak honestly and directly to each other if they had in the back of their minds that the interpreter could divulge the content of their exchanges? Trust and confidentiality are paramount to meaningful communication in the above mentioned examples. If anyone is to be compelled to speak about interpreted matters, it should be the principals involved and not the interpreters.

In all the above relationships mentioned, the confidentiality or secrecy allowed can only be waived by the individuals who were “protected” by it. The priest cannot waive confidentiality, but the confessor can, as well as a journalist’s source, a patient, the attorney’s client and so on. Anything other than that would open Pandora’s box and ultimately have a negative effect on both our profession and the trust that must exist for interpreters to discharge their duties effectively. NAJIT stands firm on behalf of interpreters in all sectors to uphold interpreter confidentiality and oppose any efforts to undermine it through subpoenas or other legal methods. To this end, NAJIT is joining other professional associations through the National Interpreter Association Coalition (NIAC) in sending that message to the appropriate authorities.

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