



# OCEAN BLUE Psychology

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## Privacy Policy for Management of Personal Information

This document describes the privacy policy of Ocean Blue Psychology for the management of clients' personal information. The psychological service provided is bound by the legal requirements of the Australian Privacy Principles set out in the *Privacy Act 1988*.

**Client information:** Client files are held in a secure filing cabinet and/or electronically in Power Diary (patient management system) which is accessible only to authorised employees. The information on each file includes personal information such as name, address, contact phone numbers, medical history, and other personal information collected as part of providing the psychological service.

**How clients' personal information is collected:** A client's personal information is collected in a number of ways during psychological consultation with Ocean Blue Psychology, including when the client provides information directly to Ocean Blue Psychology using hardcopy forms, correspondence via email, when the client interacts directly with Ocean Blue Psychology employees such as the receptionist, and when other health practitioners provide personal information to Ocean Blue Psychology, via referrals, correspondence and medical reports.

**Consequence of not providing personal information:** If the client does not wish for their personal information to be collected in a way anticipated by this Privacy Policy, Ocean Blue Psychology may not be in a position to provide the psychological service to the client. In some circumstances, clients may request to be anonymous or to use a pseudonym, unless it is impracticable for Ocean Blue Psychology to deal with the client or if Ocean Blue Psychology is required or authorised by law to deal with identified individuals.

**Purpose of holding personal information:** A client's personal information is gathered and used for the purpose of providing psychological services, which includes assessing, diagnosing and treating a client's presenting issue. The personal information is retained in order to document what happens during sessions, and enables the psychologist to provide a relevant and informed psychological service.

As psychologists, effective record keeping is a core competency. We must keep timely, accurate, current, and complete case notes and records of psychological services consistent with the APS Code of Ethics (2007) and our professional and legal obligations. This is essential for a range of organisational, financial, professional, legal and governance purposes.

We are required to store your clinical records for 7 years post engagement with the practice. For young people, it is for 7 years after they turn 18 years of age. For more information on ethical practice.

**Disclosure of personal information:** Clients' personal information will remain confidential except when:

1. it is subpoenaed by a court, or disclosure is otherwise required or authorised by law; or
2. failure to disclose the information would in the reasonable belief of the treating psychologist place a client or another person at serious risk to life, health or safety; or
3. the client's prior approval has been obtained to:
  - a) provide a written report to another agency or professional, e.g., a GP or a lawyer; or
  - b) discuss the material with another person, e.g. a parent, employer, health provider, or third party funder; or
  - c) disclose the information in another way; or

d) disclose to another professional or agency (e.g. your GP) and disclosure of your personal information to that third party is for a purpose which is directly related to the primary purpose for which your personal information was collected.

**Please note, that if you are using a MHCP, it is a requirement that your psychologist provides a written report to your GP at Session 6, 10 and 20 (as a matter of Medicare / Practitioner obligation). Therefore, by signing this consent form, you are acknowledging that you are consenting to this sharing of information.**

A client's personal information is not disclosed to overseas recipients, unless the client consents or such disclosure is otherwise required by law. Clients' personal information will not be used, sold, rented or disclosed for any other purpose.

In the event that unauthorised access, disclosure or loss of a client's personal information occurs Ocean Blue Psychology will activate its data breach plan and use all reasonable endeavours to minimise any risk of consequential serious harm.

### **Confidentiality and Disclosure of Personal Information when working With A Young Person (A Person under 18 Years Of Age):**

#### **1. Consent and Confidentiality:**

Whilst the young person's parent/guardian is typically the person who engages the psychologist to provide a psychological service for their young person, we may engage the young person in session without their parent or guardian present. Whilst we aim to communicate the progress of the young person's treatment where possible, we must maintain the client's confidentiality. However, there are exceptions to maintaining a young person's confidentiality, which are as stated in section above 'Disclosure of personal information' and/or where they (young person) are deemed too young to understand these terms.

#### **2. Mandatory Reporting:**

As psychologists we are mandatory reporters. "Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act)".

As mandatory reporters, we endeavour to be transparent with a young person and/or their parent/guardian in the event of a mandatory report being made. However, if sharing this information is deemed by the treating psychologist as placing the young person at greater risk, the mandatory report will not be made known. See:

- Care Act (<http://www.legislation.nsw.gov.au/#/view/act/1998/157/chap3/part2>)
- 'What is Mandatory Reporting' (<https://reporter.childstory.nsw.gov.au>)

**Requests for access and correction to client information:** At any stage clients may request to see and correct the personal information about them kept on file. The psychologist may discuss the contents with them and/or give them a copy, subject to the exceptions in the Privacy Act 1988 (The Privacy Act — OAIC). If satisfied that personal information is inaccurate, out of date or incomplete, reasonable steps will be taken in the circumstances to ensure that this information is corrected. All requests by clients for access to or correction of personal information held about them should be lodged with the Director, Ocean Blue Psychology. These requests will be responded to in writing within 30 days, and an appointment will be made, if necessary, for clarification purposes.

**Concerns:** If clients have a concern about the management of their personal information, they may inform the Director, Ocean Blue Psychology. Upon request they can obtain a copy of the Australian Privacy Principles, which describe their rights and how their personal information should be handled. Ultimately, if clients wish to lodge a formal complaint about the use of, disclosure of, or access to, their personal information, they may do so with the Office of the Australian Information Commissioner by phone on 1300 363 992, online at <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> or by post to: Office of the Australian Information Commissioner, GPO Box 5218, Sydney, NSW 2001.