



Positive Change. Growth. Wellbeing.

## PRIVACY POLICY

### 1. INTRODUCTION

Positive Psychology is committed to protecting your privacy. This policy will protect your information from being used in ways that infringe applicable privacy laws in Australia including relevant state laws that regulate the management of personal information.

You can be assured that if we ask you to provide certain personal information, it will only be used in accordance with this Privacy Policy, which describes what happens to the personal data that you provide to us by written and/or electronic means.

### 2. PERSONAL INFORMATION COLLECTED

Personal information is only collected when it is knowingly and voluntarily submitted, including:

- When contacting us to schedule your initial appointment
- Information that you provide by filling in forms (e.g. client consent form)
- Information provided when you communicate with us via our website (e.g. online enquiry)
- Details of your visits to our website and the resources that you access (e.g. communication data)

### 3. USE OF PERSONAL INFORMATION

Positive Psychology may use your personal information to:

- Collect payment and deliver statements or invoices
- Provide you with information requested from us relating to our products or services
- Provide specific information to other medical, allied health, legal or other third party as appropriate or legally required

### 4. CONFIDENTIALITY

All information provided to the Positive Psychology will remain confidential except where:

- 4.1 Failure to disclose the information would place you or another person at serious and imminent risk of harm (including when required by mandatory reporting laws)
- 4.2 Prior approval has been provided by the client

#### 4.3 Documentation is subpoenaed by a court

In exceptional circumstances, personal information may also be released if we have reason to believe that doing so is necessary to identify, contact or bring legal action against anyone interfering with our rights, property or clients.

## 5. CHILD AND ADOLESCENT CLIENTS

- 5.1 Confidentiality also applies to children and adolescents as clients. For the purposes of this policy the terms “young person” or “young persons” mean a child or children and adolescent or adolescents under the age of 18 years. The parent, parents, guardian or guardians who engage with Positive Psychology and pays to provide mental health services for a young person is referred to in this policy as the “client-parent”.
- 5.2 Consent and involvement of both parents or guardians is desirable. However, practitioners are aware that there are situations where this is not possible, or appropriate.
- 5.3 Practitioners have a responsibility to both the young person and to the client-parent who contracts or engages the mental health service for the young person. Practitioners will discuss and clarify with the young person and the client-parent issues of consent, confidentiality and disclosure at the outset of treatment.
- 5.4 The client-parent should indicate the person or persons who can access information about the young person and advise Positive Psychology if there is a change. The client-parent should also advise Positive Psychology if there are any Court Orders in relation to the young person.
- 5.5 If the circumstances change, then practitioners review (with the client-parent and the young person) who has the capacity to give informed consent the contractual arrangements in place for the provision of those services.
- 5.6 Practitioners will request permission to share specific information with the client-parent when appropriate. Practitioners will disclose information if there is an immediate and specified risk of harm to an identifiable person or persons or where there is a legal obligation to do so.
  - 5.6.1 When practitioners are aware that the client-parent has not separated from the other parent, they may assume that the client-parent has the legal authority necessary to engage treatment services on behalf of the young person.
  - 5.6.2 In circumstances where the young person’s parents are separated, the practitioner clarifies with the client-parent and the young person at the outset of a mental health service the level of any potential involvement of the other parent and what, if any, information is to be disclosed to the other parent, and the possible consequences of non-disclosure.
  - 5.6.3 When practitioners are aware that the parents are separated and there are no Court Orders in relation to the young person, they may assume that the client-parent has

the legal authority necessary to engage mental health services on behalf of the young person.

5.6.4 When practitioners are aware that the parents are separated and there are existing Court Orders, practitioners are not required to establish whether the decision to consult a mental health professional has been made jointly by the parents.

5.6.5 If the client-parent reports that they do not wish the other parent to be involved, or reports that the other parent opposes the decision for the young person to see a practitioner, or the other parent informs the practitioner directly of their opposition to the young person seeing a practitioner, then the practitioner makes further enquiries with the client-parent and the young person and makes a professional judgement about whether to provide services to the young person. In making that decision the practitioner considers the best interests of the young person as paramount.

5.7 In the absence of consent by the client-parent and the young person for disclosure of information to the other parent and in the event that the other parent seeks information about the mental health service provided to the young person, practitioners have a duty to protect the confidentiality of the young person, which includes refraining from acknowledging whether or not a mental health service has been provided. In such situations, if the other parent contacts the practitioner and seeks information or involvement, the practitioner:

- a) informs the client-parent
- b) encourages the client-parent to discuss and resolve the issues directly with the other parent
- c) if the young person is capable of giving informed consent, also informs the young person and discusses the implications of the other parent's request

5.8 In circumstances when the young person has contact or spends time with the other parent, and the client-parent and/or young person does not wish to inform the other parent about engaging a mental health service, the practitioner discusses the possible implications with the client-parent and the young person (if appropriate) prior to agreeing to provide the mental health service.

## 6. DUTY OF CARE

The client-parent is responsible for letting Positive Psychology know if different family members will be dropping off and/or picking up a young person from one of our centres. This information is to be provided to the Admin Team before the session commences.



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#### 7. SECURING DATA AND ACCESS TO INFORMATION

Because the transmission of information via the internet is not completely secure, we cannot guarantee the security of data sent to us electronically. Therefore, the transmission of such data is at your own risk.

Positive Psychology will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your information. All personal information you provide will be stored on our secure servers. Additionally, our employees and the contractors who provide services related to our information are obligated to respect the confidentiality of any personal information held by us.

#### 8. CONTACT

If you have any questions regarding our privacy policy or Positive Psychology's use of your personal information, please contact us on **1300 885 636**.

#### 9. YOUR CONSENT

By engaging with Positive Psychology, you consent to the use and collection of information as outlined in this policy. Any changes will be updated on this page to ensure you are always aware of the information we collect, how we use it and under what circumstances it is disclosed.