



MINDSTATE PSYCHOLOGY PRIVACY POLICY

Introduction

This document describes the privacy policy of Mindstate Psychology Pty Ltd (“Mindstate Psychology”, “Mindstate”, “we”, “us”, “our”) and the individual practitioners (“practitioners”) who work as independent contractors at Mindstate Psychology offices.

Mindstate Psychology needs to collect your personal and health information to provide our services (including clinical and forensic psychology, neurofeedback, threat assessment, professional development, and training). As a health service, Mindstate Psychology is bound by the legal requirements of the Australian Privacy Principles set out in the Privacy Act 1988 (Cth).

Collection and Use of Information

Mindstate Psychology and our practitioners collect personal information to enable us to provide our services. The information we collect fits into one of three categories:

- **Administrative Information** – This is to maintain our administrative records and includes your name, address, contact details, calendaring appointments, Medicare details, billing information, referring doctor, consent, and other administrative forms. It may include compliance information such as contacts with medical practitioners, lawyers, or insurance companies. The administrative record is held and maintained by Mindstate Psychology.
- **Clinical Records** – this information is collected to provide effective treatment or comprehensive assessment. It includes life details, family history, medical and psychological symptoms, personal concerns, legal issues, and other relevant issues for psychological assessment and treatment. It may include diagnoses and psychological test results. Your practitioner holds the clinical record.
- **Biometric Information** – Mindstate Psychology uses optical surveillance devices (CCTV) in the public areas of the office to enhance the safety of our staff and clients and practice security. Your image may be recorded when you visit public areas of our practice, such as reception and the waiting rooms. We do not record individual consulting rooms or other private areas. We also record phone calls with reception for safety and compliance purposes. All images and audio recordings are held and maintained by Mindstate Psychology.

There is an ethical obligation for psychologists to make and keep accurate notes about all consultations. You cannot request information to be excluded from the practitioner’s file. If you do not wish for your personal information to be collected in a way anticipated by this Privacy Policy, Mindstate Psychology may not be able to provide services to you.

Storage of Information

The practitioners work independently and are responsible for storing their own client’s clinical information. Mindstate Psychology maintains the storage of administrative records. You can be assured that the practitioners and administration follow both Australian Psychological Society

guidelines and Australian Privacy Principles. Please speak to your treating practitioner for specific concerns regarding the storage of your clinical information. Please contact Mindstate Psychology's reception for issues regarding the maintenance of administrative records, including making any changes. Additionally, if a practitioner leaves the practice, Mindstate Psychology will no longer have access to any clinical notes but will maintain the administrative record.

While you are entitled to withdraw your consent to engage with our services, we are legally required to maintain a copy of both your administrative record and case notes. These records will be stored in accordance with this privacy policy and relevant legislation.

Computer systems used for administration and clinical record storage are based in Australia and are encrypted and protected by strict access controls. Computer systems storing this data are ISO 27001 certified and compliant with the Australian Privacy Principles. Clinical and administrative records are not disclosed to overseas or Australian recipients unless the client consents or such disclosure is otherwise required by law. Your personal information will never be used, sold, rented, or disclosed for any purpose other than to provide our services in accordance with the consent gained.

Computer systems used to facilitate communication and other administrative services, such as emails, telephone and payment processing, are based in either Australia or the United States of America. While these services may process your information outside of Australia, it is still under the control of Mindstate Psychology and will never be used, sold, rented, or shared for any purpose other than to communicate with and provide administrative services to you.

Biometric information, including from optical surveillance devices and recordings of phone calls, is securely stored locally in Western Australia in an encrypted format and is subject to strict access controls. Images and audio recordings are not disclosed unless the client consents or such disclosure is required by law. Recordings are kept for a maximum period of twelve months before they are securely deleted from our systems unless an exemption is necessary, such as for police investigations or legal proceedings.

If unauthorised access, disclosure or loss of a client's personal information occurs, Mindstate Psychology will activate our cyber incident response plan and use all reasonable endeavours to minimise any risk of consequential harm. If there is a risk of consequential harm, Mindstate will notify you in accordance with the Notifiable Data Breaches scheme (Part IIIIC of the Privacy Act).

Disclosure of Information

To provide our services, Mindstate Psychology may be required to disclose personal information to third parties. Disclosure may include, but is not limited to:

- Referring Doctor - To assist in continuing treatment of problems and for Medicare rebate requirements.
- Insurance company - To enable an Insurer to make decisions about their liability, funding, or appropriateness of treatment.
- Court - On subpoena, all relevant psychological information must be provided to Court.
- Solicitor - To provide reports where requested (see Court Proceedings section below).

- Church, Agency, Employer, or other Referrer - When a third party has referred you, feedback about how the treatment is going may be provided. This would be for funding purposes or for the organisation to be able to assist you further.
- Other individuals - With your permission, information may be disclosed to others who can help you. These might include family members, doctors, schools, or employers.
- Administrative Record information may be released for debt collection, Medicare Audits, insurance purposes, and related tasks. Only the minimum required information will be disclosed when released for these purposes.
- Clinical information may be released for AHPRA compliance and investigations.

Please be aware that the general principles of privacy can be waived if failure to disclose information places yourself or another person at risk. In other words, if you are deemed a risk of suicide or harming another, we are required to disclose information in order to manage that situation.

Court Proceedings (not general therapy)

In the case of legal proceedings, Mindstate Psychology may be required to disclose personal or health information to the Court, your lawyer, or an insurer participating in the proceedings.

If you have a legal representative acting for you and that person seeks information about you, Mindstate will not release that information without your written authorisation.

Where possible, Mindstate Psychology will endeavour to advise you about the possibility of disclosing personal or health information to a Court.

Requesting Access to your Personal Information

Any request to access your clinical or administrative records must be made in writing to reception. You will be required to complete our Personal Information Request Form and may be required to provide proof of identity and access entitlement.

Be aware that you will be charged a fee (including for photocopying) for Mindstate Psychology to provide you with a copy of any information requested. Please ask for details when you make your request, as you will be solely liable for any associated costs.

In some circumstances, Mindstate Psychology or the practitioner has the right to refuse you access to your personal information. This may include (but is not limited to) where the information is not about you but is about your child; or where release could cause an unreasonable impact on you or harm you. Additionally, Mindstate Psychology cannot provide information that is not kept as part of your file. For example, feedback provided via anonymised forms or analytics data from our website is not personally identifiable, and as such, Mindstate Psychology cannot provide you with a copy of that information.

If your information was used for a forensic assessment or Court report, we might be able to provide you with a copy of the information we have on file. Please note that some Courts and other



organisations prohibit us from releasing information without their permission. In most cases, we cannot distribute any assessments or report(s) to you directly.

Please note that your file is the property of the practitioner, and the administrative record is the property of Mindstate Psychology. If you request access to your file, we can only provide a copy, not the original file. Additionally, if a practitioner leaves the practice, Mindstate Psychology will no longer have access to any clinical notes but will maintain the administrative record.

Website and Social Media

Mindstate Psychology may collect anonymised, aggregate data when you access or interact with websites, social media pages, marketing campaigns or other digital services we own and operate.

This includes data like the number of visitors or clicks, search terms, how long a page was viewed for, the region and country of the visitor, or the type of device. This **does not** include personal or individually identifiable information such as IP addresses, specific locations (suburb or address), names, or email addresses.

This data is collected through Google Analytics (when interacting with the Mindstate Website or Google Ads), Microsoft Clarity (when interacting with the Mindstate Website) and Meta Business Suite (when interacting with Facebook or Instagram pages or ads). This data may be collected through cookies, web beacons, or similar technologies.

Mindstate Psychology only uses this data to understand how individuals:

- access and use our digital services in order to improve them.
- interact with digital marketing campaigns in order to improve them.

If you do not wish to have your data collected through Google Analytics, Google provides an opt-out browser add-on [here](#).

SMS Messages

Mindstate Psychology uses SMS messaging to communicate with clients, primarily to remind them of upcoming appointments. When you become a client with Mindstate Psychology, your mobile number is added to your administrative file, and you will receive SMS reminders automatically. We do not use your phone number for commercial marketing purposes, and it is never disclosed to any other party.

If you do not wish to receive automated appointment reminders via SMS, please contact our reception team in writing, and they will update your profile.

Artificial Intelligence (AI)

Mindstate Psychology recognises that, as a psychology practice, you trust us with some of your most personal and sensitive information. We are committed to keeping this information protected and

secure while in an increasingly AI-powered world. Within our practice, AI supports our reception team and practitioners differently.

Practitioners may use AI tools for several functions, including transcribing sessions in real-time, dictating referral letters, or summarising or enhancing existing session notes. Not all practitioners use these tools. If they are to be used, your practitioner will discuss this with you directly and allow you to share your concerns and ask any questions. You have the right to ask your practitioner not to use these tools.

Our reception team uses AI to transcribe voicemail recordings and summarise phone calls. Mindstate Psychology has a data processing agreement and a business associate agreement with the companies involved to protect and secure your information. We do not permit the data we control to be used to train AI models or otherwise disclosed or retained by any AI system or model.

Making a Complaint

If you are not satisfied with how we have dealt with your personal information, you may wish to lodge a formal complaint about the use of, disclosure of or access to your personal information. We require any complaint to be made in writing to the Director of Mindstate Psychology **and** to the individual practitioner. We will determine who needs to address the issue and respond to your complaint within 30 days.

If our response is not satisfactory, you may wish to further your complaint with the Office of the Australian Information Commissioner. This can be done by phone on 1300 363 992, online at <https://www.oaic.gov.au/privacy/privacy-complaints> or by post to: Office of the Australian Information Commissioner, GPO Box 5218, Sydney, NSW 2001.

Changes to the Policy

Mindstate Psychology reserves the right to update this policy periodically, and without prior notice to you, to reflect changes either within our practice or in accordance with relevant laws. Any changes to the policy will become effective upon publishing the updated version to the Mindstate website. Continuing to access Mindstate Psychology's services or otherwise engage with Mindstate Psychology after an updated version of this policy is published constitutes as acceptance of the revised policy. Mindstate Psychology will endeavour to provide notice about any significant changes to the policy.

Further Information

The protection of our client's personal and health information is a priority for Mindstate Psychology. If you have any questions about Mindstate Psychology's privacy policy, please contact us via email or another form of written communication.

Should you wish to access additional copies of this privacy policy, it is available on the Mindstate website at: www.mindstatepsychology.com.au/about-us/privacy. If you require a copy of this policy in an alternative form, please contact reception.

Contacting Mindstate Psychology

Mindstate Psychology can be contacted by:

- Calling: +61 8 9450 1618
- Sending an email to: info@mindstatepsychology.com.au
- Sending a letter to: PO Box 393, South Perth 6951

The most up-to-date contact details are available on the Mindstate Psychology website at <http://www.mindstatepsychology.com.au/contact-us>.