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# MINDSTATE PSYCHOLOGY PRIVACY POLICY

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## Introduction

This document describes the privacy policy of Mindstate Psychology Pty Ltd (“Mindstate”) and the individual practitioners (“practitioners”) who work as independent contractors at the Mindstate Office (Located at 11 Richardson Street, South Perth).

To provide our clinical and forensic psychological and neurofeedback services, Mindstate needs to collect your personal and health information. Mindstate, as a health service, is bound by the legal requirements of the Australian Privacy Principles set out in the Privacy Act 1988 (Cth).

## Information Collected

The type of information Mindstate collects falls into two categories:

- Administrative Records – this includes your name, address, contact details, calendaring appointments, Medicare details, referring doctor, your consent, and other administrative forms. It may include compliance information such as contacts with medical practitioners, lawyers, or insurance companies.
- Clinical Records – This 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.

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 may not be able to provide services to you.

## Use of Information

Mindstate collects information for the following reasons:

- To provide effective treatment where the reason for accessing Mindstate’s services is psychological treatment.
- To enable Mindstate to undertake a psychological assessment and/or the production of a report. This occurs when the reason for accessing Mindstate’s services is for a psychological assessment.

### PLEASE NOTE:

- Clinical information is maintained for treatment purposes.
- Administrative Records are maintained for appointments, bill payment, Medicare, insurance and related purposes.

## Storage of Information

The practitioners work independently and are responsible for storing their own client's clinical information. Mindstate maintains the storage of administrative records. You can be assured that the practitioners and the administration follow both Australian Psychological Society guidelines and Australian Privacy Principles. For specific concerns regarding the storage of your clinical information, please, speak to your treating practitioner. For issues regarding maintenance of administrative records, including any changes, please contact Mindstate's reception. Additionally, if a practitioner leaves the practice, Mindstate will no longer have access to any clinical notes but will maintain the administrative record.

To the best of our knowledge the computer systems used for administration and clinical record storage are based in Australia, secure, and password protected. A client's personal information is not disclosed to overseas or Australian recipients unless the client consents or such disclosure is otherwise required by law. Clients' personal information will never be used, sold, rented or disclosed for any purpose other than to provide our services in accordance with consent gained.

In the event that unauthorised access, disclosure or loss of a client's personal information occurs, Mindstate will activate its 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 IIIC of the Privacy Act).

## Disclosure of Information

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

1. Referring Doctor - To assist in continuing treatment of problems, and/or for Medicare reporting requirements.
2. Insurance company - To enable an Insurer to make decisions about their liability, funding or appropriateness of treatment.
3. Court - On subpoena, all relevant psychological information must be provided to Court.
4. Solicitor - To provide reports where requested (see Court Proceedings below).
5. Church, Agency, Employer or other Referrer - Where 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.
6. Other individuals - With your permission, information may be disclosed to others who can help you. These might include family members, doctors, schools, employers, and so on.
7. Administrative Record information may be released for debt collection, Medicare Audits, insurance purposes, and related tasks.
8. 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 release certain pieces of information in order to manage that situation.

## Court Proceedings (not general therapy)

In the case of legal proceedings, Mindstate may be required to disclose personal or health information to the Court, your lawyer or to an insurer who is 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 will endeavour to advise you about the possibility of personal or health information being disclosed to a Court.

## Requesting Access to your Personal Information

Any request to access your clinical records must be made in writing and addressed to your treating psychologist. To access your administrative record, a request must be made in writing and addressed to Mindstate Psychology. Be aware that you will be charged a fee (including for photocopying) in order for Mindstate 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 costs associated.

In some circumstances, Mindstate Psychology or the practitioner has the right to refuse 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.

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 and not the original file. Additionally, if a practitioner leaves the practice, Mindstate will no longer have access to any clinical notes but will maintain the administrative record.

## Web Technologies, Social Media and Advertising

Mindstate Psychology may also collect anonymised, aggregate data when you access or interact with websites, social media pages or marketing campaigns controlled by Mindstate. This data is collected through third party services such as Google Analytics (when interacting with the Mindstate Website or Google Ads) and Meta Business Suite (when interacting with Facebook or Instagram pages and ads). This data may be collected through the use of cookies, web beacons or other similar technologies.

Mindstate Psychology only uses this data to understand how people:

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

At no point is this data individually identifiable and as such we are unable to provide copies of this information. If you do not wish to have your data collect through google analytics, Google provides an opt-out browser add-on [here](#).

## 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 <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.

## 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. By continuing to access Mindstate's services after an updated version of this policy is published constitutes as acceptance of the revised policy. Mindstate 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's privacy policy, please contact Mindstate 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/privacy.html](http://www.mindstatepsychology.com.au/privacy.html)

## Contacting Mindstate Psychology

Mindstate Psychology can be contacted by:

- Calling: +61 8 9450 1618
- Sending an e-mail: [info@mindstatepsychology.com.au](mailto: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 [www.mindstatepsychology.com.au/contact](http://www.mindstatepsychology.com.au/contact).