



# Understanding your privacy



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BSS Employee Assistance is a private psychology practice that delivers specific psychological services to employees of contracted organisations and the employees' immediate family members under an agreement with each individual company. BSS and all its employees are required to abide by the legal, ethical and professional requirements that are mandated for any psychology practice in Australia. In general terms, as well as obeying the law of the land, these requirements ensure we abide by the regulations and ethical obligations established by:

- ▶ The Australian Health Professional Registration Authority
- ▶ The Psychology Board of Australia
- ▶ The Australian Privacy Principles (2014)
- ▶ All Federal and State privacy legislation
- ▶ The Australian Psychological Society - Code of Ethics
- ▶ Employee Assistance Professionals Association of Australia - Code of Ethics.

The Australian Government has established privacy legislation which, in 2014, incorporated the Australian Privacy Principles. These set out the rules for collecting and handling an individual's personal information. BSS Employee Assistance makes every effort to comply with privacy legislation and the Australian Privacy Principles. Here are some common questions to assist you to understand our privacy policy.

**Q. Why do you collect my personal information?**

**A.** It's necessary to collect your personal information to assist the psychologist you're consulting to attend to your needs. Any information about you that we collect at BSS is considered to be "sensitive information" for the purposes of privacy legislation. This means that when you attend the BSS office for counselling or psychological support, we need to ensure you're aware of the information we collect, how the EAP works and what services we can and can't provide. At the first consultation, we supply you with this information and obtain your consent to gather information about you.

**Q. Is my personal information always kept confidential?**

**A.** Yes, under the Privacy Legislation your personal information must remain confidential. Unless we have your permission, we cannot release any information about you to your employer, one of your family members, or your doctor, not even your name. Even if you have told someone it's OK for us to talk with them, your consent is essential for BSS to release or discuss any of your personal information. We usually ask for this in writing. However, there are two circumstances when your personal information may be released. The first comes under our *Duty of Care*, if you pose a risk of serious harm to yourself or others. The second is when we are required by a Court of Law, via a Subpoena, to provide your file, or to give evidence in Court. In EAP work these situations are uncommon. However, if any of these circumstances arise, we will make every attempt to advise you of what we're doing with your personal information.

**Q. How secure is the storage of my personal information?**

**A.** As a psychology practice, we are legally obliged to securely maintain our client data. At BSS we use an electronic data storage and retrieval system which has been developed specifically for Australian psychological practices and incorporates the highest level of data security possible. We restrict access to this data and all BSS staff are trained in the importance of maintaining your confidentiality and the integrity of our data storage. We have a comprehensive fact sheet on the security of our data storage which we would be happy to send to you upon request.

**Q. As my employer pays for the Employee Assistance Program (EAP), what information is given to the organisation?**

**A.** Under our contractual agreement with your employer, we are required to supply general, non-identifying, statistical information about how the EAP service is being used, usually on a quarterly or annual basis. These are general statistics only. Please be assured that we take your privacy seriously and go to great lengths to ensure the anonymity of anyone using the EAP service. No information that can identify any individual employee is provided to your employer.



**Q. Am I able to access my personal information?**

**A.** Yes, you can access your personal information held by BSS at any time and at no cost. If you request a copy of your personal information held on file by BSS, we will firstly verify your identity and then determine with you how to get this information to you in a manner that protects your privacy.

**Q. Can my GP, or any other treating health practitioner, have access to my personal information held by BSS?**

**A.** Yes, with your written consent, we are happy to consult with other treating practitioners and make available your personal information.

**Q. If my child, under the age of 18, attends counselling at BSS, am I able to access his or her personal information?**

**A.** The rights of children (even those under 18) to the privacy of their health information are covered in the privacy legislation. Consistent with the law, it may be necessary to restrict access to personal information by parents, guardians or other caretakers. Please discuss this with the psychologist you're seeing at the first consultation.

**Q. If I'm a family member of an employee eligible for his/her company's EAP service, can that employee find out that I'm attending counselling?**

**A.** No, not from us. Your personal information, including your name, remains confidential and will not be disclosed to anyone without your permission, or in response to the legal requirements set out above.

**Q. If I'm a supervisor and I recommend one of my team get help from the EAP, can I at least find out if they attended, especially when they work in a safety critical role?**

**A.** While we appreciate a supervisor's concern about wanting to ensure the employee is being assisted, all health professionals, including psychologists, are governed by legislation that doesn't allow us to disclose whether or not an individual is using, or has used, our services. We suggest you follow-up with the person directly to enquire as to what assistance they have accessed. If you're really concerned about that person's welfare, or mental fitness for their role, make a "Formal Referral". Don't forget you can always call the BSS Supervisor Support Service and discuss your situation with one of our senior psychologists.

**More Information:** If you have any questions about our Privacy Policy, speak to the BSS professional that you're consulting or ask to speak with one of the BSS management team.

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