Client Privacy and Confidentiality Policy

Introduction

NewPsych is committed to the privacy of all clients and individuals whose information we hold. This policy explains how we protect the privacy and confidentiality of all personal information we hold. This Privacy Policy explains how NewPsych collects, uses, shares, and secures personal information, and describes the rights individuals have regarding their personal data. NewPsych uses secure, encrypted cloud-based practice management software. We take privacy seriously, maintaining robust technical and organisational measures to protect your personal information.

If you have any questions about this Privacy Policy or how we handle personal data, please contact us at clinicalrecords@newpsych.com.au

What Personal Data We Collect

Client Data:

When you agree to use our services, we collect personal details such as your name, email address, phone number, address, and payment information. We collect data you choose to enter into the Services. This may include patient health records, contact information, demographic details (e.g., date of birth, gender, and location), appointment histories, and sensitive data like health conditions or payment credentials (e.g., credit card numbers) for the purposes of paying for treatment.

Automatically Collected:

Usage Data

We capture certain data when you use our platform, including IP address, browser type and version, pages visited, dates, times, and durations of visits, device identifiers, diagnostic data to help resolve issues and enhance performance.

Log Data

Our systems produce logs that record detailed event information, including who performed an action, when and where it occurred, and the methods involved. We use these logs to maintain system integrity, support security efforts, and improve the overall user experience.

Cookies and Similar Technologies

We may use cookies, pixels, tags, and scripts to understand usage, remember preferences, and improve our Services.

How We Use Personal Data (Purposes and Legal Bases)

We process Account Data you provide us lawfully, fairly, and transparently. Our legal bases include your consent, compliance with legal obligations, and/or our legitimate interests, provided these are not overridden by your rights.

Purposes:

1. **Services Provision (Legitimate Interests)**: To deliver our Services (e.g., appointment booking, telehealth, billing), and support you.

2. **Marketing and Communications (Consent / Legitimate Interests):** To inform you about new features, special offers, discounts, and promotional opportunities to help you maximise value, send operational updates, security notices, invoices, receipts and respond to inquiries.
3. **Customer Support (Legitimate Interests):** To assist with technical issues and improve your user experience.
4. **Analysis & Development (Legitimate Interests):** To analyse usage data, improve functionality, and ensure Services reliability and security.
5. **Human Resources (Consent / Legitimate Interests / Legal Obligation):** For processing candidate applications, recruitment activities, and internal organisational planning.
6. **Legal Requirements (Legal Obligation):** To comply with applicable laws, court orders, or regulatory requirements.

We ensure these interests are not overridden by individuals' data protection rights.

Optional Communications:

You may opt out of non-essential emails or SMS at any time. You cannot opt out of essential operational communications, such as security or billing notices.

How and Why We Share Your Data

With Your Consent or Instruction:

We will not disclose personal data unless required or permitted by law, or we have your express consent to do so.

Processors:

We work with trusted service providers who follow strict data protection rules. They receive only the minimum personal data required to perform their tasks on our behalf. We do not share any Personal Health Data or Customer Data with processors.

Third-parties:

We may share your data with trusted third-party vendors to operate our business and deliver our Services. They receive only the minimum personal data required to perform their tasks. These vendors fall into two categories:

- **Processors** – Vendors that support NewPsych's business operations, such as customer support, billing, and compliance tools. We do not share any Personal Health Data or Customer Data with processors.
- **Sub-processors** – Vendors that enable NewPsych's software functionalities, such as cloud hosting, data storage, and payment processing.

Legal or Moral Requirements:

We may disclose personal data to law enforcement, regulatory bodies, or healthcare professionals in emergencies where it's necessary to protect life or prevent serious harm, or to comply with a legal obligation.

As is prescribed by the APS, clients' personal information will remain confidential except when:

- It is subpoenaed, or disclosure is otherwise required or authorised by law
- Failure to disclose the information would place a client or another person at serious risk to life, health, or safety
- The client requests a copy of their file under the Freedom of Information Act 1992.
- The client's prior approval has been obtained and consent provided to:
  - provide a written report to another agency or professional (e.g., a GP or a lawyer)
  - discuss the clients concerns with another person (e.g., a parent, employer, health provider, or third-party funder)
  - disclose the information in any other manner relevant to the client's care.

Corporate Transactions:

If we are involved in a merger, acquisition, or asset sale, personal data may be transferred under appropriate safeguards and remain subject to this Privacy Policy unless you consent to new terms.

International Data Transfers

Where we transfer personal data outside your jurisdiction, we use appropriate safeguards to ensure an equivalent level of data protection. In certain circumstances, your personal information may be disclosed to qualified psychologists contracted by us who are located outside of Australia. This occurs only when providing telehealth services through our secure, encrypted client management system, and only with your explicit consent. All overseas contractors are bound by contractual obligations that reflect Australian privacy standards, including adherence to the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs).
We ensure that:

- Personal information is shared securely via encrypted platforms;
- Only information necessary for your treatment is shared;
- Overseas contractors are contractually obligated to uphold strict confidentiality and data protection standards.

Data Security and Retention

Security Measures:

We implement and maintain industry-standard security measures (technical, administrative, and physical) to protect personal data against unauthorised access, alteration, disclosure, or destruction. Access to servers is strictly limited and monitored. We are committed to maintaining the highest standards of information security management. While we follow recognised best practices (e.g., encryption, secure hosting), no method of transmission or storage is completely secure.

Your Responsibility:

You play a key role in protecting your data. Keep your account credentials confidential. Contact us immediately if you suspect unauthorised access.

Retention Periods:

We retain personal data only as long as necessary for the purposes described in this Privacy Policy or as required by law. For example:

- **Account Data** is retained for the duration of your active account and for a regulation-specified period following its closure to comply with legal, tax, and regulatory obligations.

- **Customer Data** is processed as per our service agreement and retained for a period of 7 years upon termination, then data is deleted or returned as instructed by the client.

Your Rights and How to Exercise Them

We respect the rights granted to individuals under applicable data protection laws, including the Australian Privacy Act. Depending on your location, you may have the right to:

- **Access:** Request a copy of the personal data we hold about you.
- **Rectify:** Ask us to correct inaccurate or incomplete data.
- **Erase:** Request deletion of personal data no longer needed or processed unlawfully.
- **Restrict Processing:** Ask to limit how we process your data in certain circumstances.
- **Object:** Object to processing based on legitimate interests or direct marketing.
- **Data Portability:** Receive your data in a structured, machine-readable format.
- **Withdraw Consent:** Where processing relies on consent, you may withdraw it at any time.

How to Make a Request:

If you wish to make a request or complaint, please contact us at clinicalrecords@newpsych.com.au We will acknowledge your request promptly and aim to respond within applicable legal deadlines. To protect your privacy, we may request additional verification of your identity. If you are a client or patient of NewPsych, please reach out to us directly.

Complaints:

If you believe we have not addressed your data protection concerns, you have the right to make a complaint. If you are not satisfied with our response to your complaint, you may make a complaint to the Office of the Australian Information Commissioner by visiting the following website and following the steps: https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint.

Changes to this Policy

We may update this policy periodically. Changes take effect once posted on our website.

How to Contact Us

If you have questions, concerns, or complaints about this Privacy Policy or our data practices, please contact clinicalrecords@newpsych.com.au