

Guidelines for providing psychological services and products on the internet

1. Introduction

1.1. These Guidelines are designed to assist members currently using or planning to use the internet for provision or receipt of psychological services and, in particular, to alert members of the profession to ethical and practice issues that may arise in the use of this medium. These Guidelines are not designed to override research protocols where they have been approved by university or NHMRC guidelines.

1.2. The internet is already widely used as a training medium, as a repository for a wide range of resources, including self-help, and as a means of distributing books, tests, and other resources (Humphreys, Winzelberg, & Klaw, 2000; Shapiro & Schulman, 1996). It is increasingly being used as a medium for provision of assessment, counselling and psychological services. The internet has great potential for widening access to psychological services. In particular, it can facilitate access for people in remote locations; for people with specific cultural or language needs; for people seeking specific services that are not widely available; for people who, by reason of psychological or other impairment, are housebound; for people who prefer the convenience it provides; and for people for whom high levels of confidentiality or anonymity are important. Psychologists are therefore encouraged to increase their understanding of internet-based service delivery and to develop skills in the use of this medium. These services may be offered by webcam or webphone to increase the cues from the client. A section of definitions of frequently used terms is included in the Appendix.

1.3. Specifically, the range of psychological services and products offered on the internet includes, but is not limited to:

- Psychological counselling services: either one-to-one or involving sending a member a problem which can be responded to in a question/answer format for a wider audience (e.g. writing to a magazine columnist);
- Psychological services to groups (e.g. online support groups);
- Synchronous chat rooms or chat groups;
- Provision of information on psychological issues (e.g. psychological disorders);
- Access to therapeutic materials (e.g. relaxation tapes and books and downloadable versions of self-help software);
- Psychological testing products and services;
- Advertising of face-to-face psychological counselling services;
- Professional training and supervision, and secondary consultation (Refer to APS Guidelines on Supervision);
- Provision of skills training;
- Research, such as resource locators, demographic surveys, and empirical investigations.

1.4. These Guidelines present issues to consider both in general, and about more specific areas of psychological service, such as psychological tests (Buchanan, 2002), email psychological counselling, and online real time psychological counselling. Many aspects of the APS *Code of Ethics* apply to the types of psychological services offered on the internet. Topics of confidentiality, consent, and other ethical issues will be addressed throughout the document.

1.5. Members should be aware of the legal requirements across different jurisdictional settings, such as those in operation across Australian States and Territories, and other countries.

2. Informed Consent

Refer to the *Code of Ethics* (2003):

General Principle III(a): ... *in those unusual circumstances where failure to disclose may result in clear risk to themselves or others, the member may disclose minimal information necessary to avert risk. Members must inform their clients of the legal and other limits of confidentiality.*

Refer to the APS *Charter for Clients of Psychologists*:

Your consent for any service will be sought by the psychologist prior to the service commencing and as it progresses.

Refer to the *Code of Ethics*, Section G 'Public Statements and Advertising':

G1: *Public statements ... must not contain:*

- i) *any statement which is false, fraudulent, unfair, misleading, or deceptive or likely to mislead or deceive;*

iv) any statement intended or likely to create false or unjustified expectations of favourable results.

2.1. For clients to elect to receive psychological services on the internet, they need to be able to make an informed decision. Assisting clients with making such a decision would include the following:

2.1.1. Identification, qualifications, and registration number of the person providing the service, and an indication of where these details can be verified, (e.g. contact number for the Psychologists Registration Board).

2.1.2. Discussion with clients about the limits of confidentiality before engaging with them online:

- Any communication on the internet has the potential to be intercepted. Clients should be informed about what steps the member has taken to reduce such a possibility (e.g. encryption);
- If clients are considered to be a danger to themselves or others, members may disclose minimal information necessary to avert risk; and
- Anonymous clients should be advised that where there is potential harm to the client or to others, the member may seek to establish their identity or notify appropriate services to avert risk.

2.1.3. Clients should be informed that any member's records, including email communications, can be subpoenaed. This is particularly pertinent because some research suggests that email users may be more open than they would be in face-to-face situations due to their not seeing the person with whom they interact (Weisband & Reinig, 1995). Verbatim records of psychological sessions may be of particular significance in legal contexts. Hence, members should create records with the knowledge that the records could be used in court.

2.1.4. Information regarding the potential benefits, such as:

- communication is possible at any time of day;
- both parties can make a considered response in asynchronous communication;
- a written record can be retained for future reference;
- clients may feel less inhibited by the anonymity of the service; and
- geographically remote practitioners can be accessed.

2.1.5. Information regarding the potential risks, which can include:

- some issues may be less appropriate for internet counselling;
- capacity for crisis intervention may be diminished;
- misunderstandings may arise due to a lack of non-verbal cues;
- email messages may not be received;
- inadvertent forwarding of information; and
- other people may access clients' email messages.

2.1.6. Clients need to know how soon after sending an email they can expect a response, especially if the email is sent out of standard working hours, and whether alternative forms of communication are available, such as telephone, or chat rooms.

2.2. With group sessions, members should encourage participants to act with respect, but also inform them that due to the number of people involved, confidentiality cannot be guaranteed.

2.3. After having gained informed consent, members should consider issues covered in the sections below, and communicate them to clients where necessary when offering psychological services on the internet.

2.4. Members should be aware that clients using these methods of communications may do so anonymously. The anonymous client may disclose information that may be misleading or false. It is the member's responsibility to clarify as far as possible the nature of the information presented.

3. Confidentiality

Refer to the *Code of Ethics*:

General Principle III(a): *Members must respect the confidentiality of information obtained from clients in the course of their professional work. They may reveal such information to others only with the consent of the person or the person's legal representative. However in those unusual circumstances where failure to disclose may result in clear risk to the client or to others, the member may disclose minimal information necessary to avert risk.*

Refer to *Guidelines on confidentiality (including when working with minors)*.

3.1. Clients should be informed that confidentiality is limited by the security of the technology. Security limitations include system breakdown, authorised (e.g. Internet Service Provider system administrator) and unauthorised persons potentially viewing messages, and the potential access of deleted messages where back-up records have been made. It is recommended that security be increased by the use of passwords and encryption. Members should discuss such issues with clients.

3.2. In situations where authentication of the identity of the client is required, steps should be taken to do so. An example would be where a parent's or a guardian's consent is required to provide online counselling to minors. The necessary security measures can be seen as comparable with what is needed for telephone counselling. In general, the standards used for authentication and confidentiality in telephone counselling should also be applied to internet-based service provision.

3.3. When contacting clients, members should take care using answering machines, message banks, and email addresses, and check with clients about what are their appropriate or preferred contact points.

3.4. In those cases where personally identifying information is disclosed, members are bound by the same obligations to protect the welfare of the client or others affected by the client as for face-to-face psychological work.

4. Communication of client information

Refer to the *Code of Ethics*, Section B 'Relationships with Clients':

B1: Undue invasion of privacy must be avoided in the collection and dissemination of information. Information obtained in consulting relationships, or evaluative data concerning clients, may be communicated only for professional purposes and only to persons legitimately concerned with the case and with informed consent of the client. Written and oral reports may present only data germane to the purposes of the evaluation.

4.1. Email communications from clients should not be forwarded to others without the consent of the client. Members should be particularly aware of 'strings of messages' contained within communications.

4.2. Clients should be encouraged to use the auto-reply function or similar mechanism, including the member's message sent, to confirm that clients have received the member's email. Members should avoid using the 'Reply-to-all' prompt.

4.3. Where there is an understanding that a member will respond to an anonymous client's question with a response for a mass audience (like magazine problem pages), the client should be fully informed about this process. If the question is to be presented to a mass audience without combining several questions into a composite version, all potentially identifying material should be removed.

4.4. Members should also be aware of technical jargon and illustrations which can be used to communicate client information and may have implication for identifying clients, e.g. SMS text messages and email characterisations.

5. Disclosure of client information

Refer to the *Code of Ethics*, Section B 'Relationships with Clients':

B6: Members must not disclose information about criminal acts of a client unless there is an overriding legal obligation to do so or when failure to disclose may result in clear risk to themselves or others.

Refer to *Guidelines on reporting child abuse and neglect, and criminal activity*.

The *Guidelines on reporting child abuse and neglect, and criminal activity* reflect on whether members have a legal or moral responsibility to report criminal behaviour. There are sections on "Exceptions", "Civil liability", "Moral responsibility", "Clients' intentions to commit a criminal offence", and "Steps in deciding whether or not to report a criminal offence or intention to commit a criminal offence". Members need to make a professional judgement on whether there is an overriding legal obligation to disclose client material.

6. High-risk situations

Refer to *Guidelines relating to suicidal clients*.

Refer to *Guidelines on reporting child abuse and neglect, and criminal activity*.

6.1. High-risk situations include but are not limited to occasions where there is a strong chance of physical harm to people or property.

6.2. Where members form the opinion that there is an apparent risk to the client or others, they should attempt, where possible, to stay engaged with the client and to obtain as many identifying details as they can.

6.3. When dealing with high-risk situations, members should, where possible, seek advice from a suitably informed colleague(s).

6.4. When situations arise that require intervention, members should attempt to refer to appropriate services, so that chances of harm may be reduced.

7. Member competence and limits of online psychological counselling

Refer to the *Code of Ethics*:

General Principle II: *Members must refrain from offering advice or undertaking work beyond their professional competence.*

Section B 'Relationships with Clients':

B20: When there is evidence of a problem or a condition with which the member is not competent to deal, the member must make this clear to the client and must refer the client to an appropriate source of expertise.

7.1. Members should warn clients that some problems are less suitable than face-to-face sessions for online psychological counselling. Such issues may include psychiatric disorders that involve distortions of reality, suicide, sexual abuse, and violent relationships. Any condition that poses a serious risk to the client or to others and which cannot be managed appropriately via the internet should be referred as necessary.

8. Client use of a member's electronic communication

Refer to *Guidelines for managing professional boundaries and multiple relationships*.

8.1. It is possible that clients may forward to others, messages from their psychologist that have been tailored to clients'

own particular situations. The possible misuse of members' communications can be restricted, but not prevented, by forming a two-way agreement with clients before engaging them in psychological counselling that they will not forward messages unless receiving the consent of the service provider. This issue should be explicitly addressed at the commencement of any online interaction with a client.

8.2. It would also be in members' best interests to keep copies of all interactions with clients so that there is an accurate record of what transpired in sessions.

9. Research and client communication

Refer to the *Code of Ethics*, Section E 'Research':

E4: Members must preserve and protect the respect and dignity of all participants and endeavour to ensure that participants' consent to be involved in the research is voluntary. Wherever possible, participants must be appropriately informed of the nature and purpose of the investigation. Members must inform participants of the nature of the research and that they are free to participate or to decline to participate or to withdraw from the research. Such informed consent must be appropriately documented.

Identifiable client communications should not be used for research without the client's permission.

10. Record keeping

Refer to the *Code of Ethics*, Section B 'Relationships with Clients':

B2: Members must make and keep adequate records for a minimum of seven years since last client contact unless legal requirements specify otherwise. In the case of records collected while the client was a child, records should be retained at least until the individual attains the age of 25 years.

B3: Members must make provisions for maintaining confidentiality in the access, storage and disposal of records, subject to the legal requirements of their employment conditions.

10.1. Members should keep records of email and online communications, and other work using new technologies as is done with face-to-face psychological work. Members need to know how to store records so that they are secure, and may be retrieved in a way that authenticates the contents. With the possibility of computer crashes, it is important to keep a hard copy record or back-up version in an accessible form.

10.2. Email communications may be stored electronically on the hard drive of a computer, on the service provider's hard drive of their server, on a floppy disk, on a CD, or on other devices. Hackers could potentially gain access to service provider stored messages and those stored on a personal computer hard or floppy drive. However, these risks appear to be quite small and may be similar to the possibility of someone breaking into a filing cabinet. See also use of passwords and encryption discussed in Section 3, Confidentiality. Members should be mindful of the durability of storage media used and be knowledgeable about necessary back-up procedures.

11. Legal aspects

Refer to the *Code of Ethics*:

General Principle III(a): ... *Members must inform their clients of the legal and other limits of confidentiality.*

General Principle III(d): *Members must be mindful of the legal context in which they work, their obligations towards clients and employers, and their duties towards clients.*

Refer to *Guidelines for reporting child abuse and neglect, and criminal activity.*

11.1. Legal requirements will vary between Australian States and other nations, so members should be aware of local

regulations regarding, for example, mandatory reporting of child abuse, age of consent, and the necessity of parent/guardian consent to provide online psychological counselling. Website developers who wish to avoid some of these problems could stipulate that their website is not recommended for international audiences. Generally, Australian insurance policies have exclusions for any claims arising from the USA or Canada.

11.2. The legality of offering psychological services to persons residing outside the geographical area in which members are registered to work may need to be considered. Members may need to verify whether they can provide psychological services to a client from a state of Australia or another country where members may not be registered.

Refer to the privacy resources on the APS website, www.psychology.org.au.

11.3. Federal privacy legislation requires that psychologists in private practice who are offering a health service must provide clients with a collection statement. This statement should indicate why the client's personal information is being collected, how it will be used, to whom it will be disclosed, and that the client is able to access their personal information. If covered by the jurisdiction of the legislation, members offering online services would need to comply with this requirement.

11.4. In addition, members in private practice need to have available for clients their Policy for Management of Personal Information. If operating psychological services on a website, members would need to have this information easily available.

12. Ethical considerations in relation to the provision of online testing services

(These considerations relate to the provision of testing services only, not testing for research purposes.)

Refer to *Guidelines for the use of psychological tests*.

Refer to *Supplement to the Guidelines for the use of psychological tests*.

12.1. Four general issues that need to be considered when providing online testing services are:

12.1.1. Technology – ensuring that the technical aspects of Computer-based testing/Internet testing are considered especially in relation to the hardware and software required to run the testing;

12.1.2. Quality – ensuring and assuring the quality of testing and test materials as well as ensuring good practice throughout the testing process;

12.1.3. Control – controlling the delivery of tests, test taker authentication, and prior practice; and

12.1.4. Security – making provision for security of the testing materials, privacy, data protection and confidentiality.

12.2. Online psychological testing sites should inform the user in sufficient detail about the nature of their products, the risks associated with their use, and the expected outcomes. In particular, reliability, validity, and other information necessary to evaluate the psychometric soundness of the test should be made available (or at least clearly referenced in traceable detail).

12.3. Limits of online psychological testing

12.3.1. Members are reminded of their obligations when using psychological tests, and specifically should be aware and where appropriate should advise clients:

- that online psychological assessment is not a substitute for any face-to-face psychological evaluation performed by a qualified professional. At best, it may provide a complementary function;
- that online assessment is typically at 'user's risk'; and
- whether any follow-up feedback will be provided. If feedback is planned, full details of follow-up contacts should be provided.

12.3.2. Online psychological testing sites should inform the user of any other limitations (if any) of their online assessment protocols compared to standard psychological testing and assessment procedures.

12.4. Confidentiality of test data

12.4.1. Online psychological testing sites should inform the user, in addition to standard browsers' warnings, about the risk of sending personal or sensitive information through the internet. If the site offers any facilities (such as encryption) that protect and safeguard against such risks, these facilities should be displayed clearly.

13. General ethical considerations for website related issues

13.1. Service providers should acknowledge all external resources cited on their site. Support for the website should be clearly identified and should include all organisations that have made contributions material or financial. If advertising is a source of funding, this fact should be clearly stated (Health On the Net Foundation, 1997).

13.2. The purpose of the site should be stated clearly so that clients may make the best use of the information. Date of original content posting and last update should be stated so that clients can determine the currency of information. Sites that have an editorial process should state who is involved in and responsible for this process. Ideally, contact details of the website manager should be provided for visitors who seek further information.

13.3. For websites that involve client interaction, the provider should include a warning about the reliability and security of the technology that will affect confidentiality.

14. Financial arrangements

Refer to the *Code of Ethics*, Section B 'Relationships with Clients':

B14: Members must make advance financial arrangements that safeguard the best interests of and are clearly understood by clients.

Refer to *Guidelines on financial dealings and fair trading*.

14.1. It is important that members establish with clients 'secure' ways of paying accounts, which may mean obtaining credit card details by phone or letter rather than via email, or allowing cheques to be sent after sessions.

14.2. Members should be clear with clients about the structure of charges for each session. There may be an overall fee to deal with a particular issue or perhaps a payment per response. It is likely that the arrangement will be different from the standard fifty-minute face-to-face session.

14.3. The payment schedules for a group session online (like a 'chat room') may be different from that set up for an in-person group session held in the one room.

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Further reading

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Appendix

(Definitions quoted from the United States National Board of Certified Counsellors, "The Practice of Internet Counseling", October 1997).

Chat-based couple internet counselling involves synchronous distance interaction among a counsellor or counsellors and a couple using what is read via text to communicate.

Chat-based group internet counselling involves synchronous distance interaction among counsellors and clients using what is read via text to communicate.

Chat-based individual Internet counselling involves synchronous distance interaction between counsellor and client using what is read via text to communicate.

E-mail-based individual Internet counselling involves asynchronous distance interaction between counsellor and client using what is read via text to communicate.

Internet Counselling involves asynchronous and synchronous distance interaction among counsellors and clients using email, chat, and videoconferencing features of the Internet to communicate.

Netiquette is the term used to cover the range of respected ways of communicating via email. It is a broad concept, but incorporates the use of common abbreviations and symbols which speed up communication. Messages sent completely in block capitals are considered to be ones shouted at the reader, and are not encouraged. More information on netiquette can be found at www.in.on.ca/tutorial/netiquette.html (accessed March 2004).

March 2004 (These Guidelines will be reviewed in three years time rather than the customary five years).

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