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AFL Administration, Interpretation and
Storage of Psychological Tests Policy
November 2022



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1. PURPOSE

The purpose of this Administration, Interpretation and Storage of Psychological Tests Policy (**Policy**) is to provide guidance and direction on the appropriate use and application of psychological testing within the AFL industry. This Policy reflects the importance of reducing the risk of harm to players while facilitating the maximum benefits from psychological testing and profiles. The risk is managed under this Policy by requiring the competent and ethical administration of tests and use of test results, the use of reliable and validated instruments and processes and compliance with all relevant laws, including applicable privacy laws.

This Policy is written to align with the AFL Industry Mental Health Clinical Governance Framework 2020-2022 (**Framework**). All actions implemented under this Policy should be consistent with the Framework to ensure appropriate risk management, clinical accountability, and progression towards an integrated and player centred system of care.

2. CLUB ACCESS

The AFL will provide AFL Club psychologists with access to the psychological test results it receives provided that the AFL Club psychologist gives evidence to the AFL that they are registered with AHPRA and the AFL Club psychologist has agreed to comply with this Policy. The AFL will not provide any other AFL Club personnel with access to the psychological test results it receives. AFL Club Psychologists must not provide psychological test results to any other person within the Club unless the appropriate ethical steps regarding informed consent are obtained in accordance with the APS Code of Ethics.

3. SCOPE

This Policy applies to all AFL Club Psychologists and AFL Business Departments and consultants working in an area that involves psychological testing and profiles. It describes the responsibilities and actions to be taken with respect to the use of all psychological tests and measures. Psychological tests and measures may be used for many purposes, including but not limited to drafting, selection and recruitment, mental health and wellbeing, and cognitive assessment.

The psychological test results of AFL and ALFW players will be medical records for the purposes of the AFL and ALFW Collective Bargaining Agreements. Nothing in this Policy impacts the requirements and restrictions with respect to medical records as set out in the AFL and ALFW Collective Bargaining Agreements.

The use of psychological data for research requires additional considerations that sit outside the scope of this Policy, including a requirement for institutional human ethics approval in some instances. The use of health data for research purposes is predominantly governed by the National Health and Medical Research Council's National Statement on Ethical Conduct in Human Research 2007 (updated 2018). [National Statement on Ethical Conduct in Human Research \(2007\) - Updated 2018 | NHMRC](#)

To the extent of any inconsistency between this Policy and any regulatory instrument, including the APS Code of Ethics and Privacy Act 1988, the regulatory instrument will prevail, except where this Policy requires a higher threshold of compliance.



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4. RESPONSIBILITIES

Compliance with this Policy is the responsibility of all AFL people that work in an area that involves psychological testing and profiles and all AFL Club psychologists.

It is the responsibility of each AFL Club and relevant AFL Business Departments to ensure all providers engaged by the AFL Club/AFL Business Department who administer and interpret the results of psychological tests have the appropriate postgraduate training and/or accreditation as a psychologist. Further, administration and scoring of a psychological test must be undertaken by a psychologist who is familiar with the test or a person with training in the administration and scoring of tests working under the direct supervision of a psychologist. The appropriate accreditation is recognised and regulated by the Australian Health Practitioners Regulation Agency (AHPRA) and the Psychology Board of Australia.

It is the responsibility of each AFL Club and relevant AFL Business Departments to ensure all providers who administer, interpret and store psychological testing data and reports have policies and procedures in place regarding the use, administration, storage and access to the psychological testing data and reports.

The responsibility for the selection, administration and use of any psychological tests must sit with a registered psychologist (full registration with AHPRA). In line with the Australian Psychological Society's position statement on the use of psychological tests and testing, the selection and use of psychological tests should:

1. be based soundly on theory;
2. have adequate psychometric properties and be appropriate to the testing situation; and
3. take account of client characteristics, including age, gender, cultural background, language ability and mental state to facilitate the collection of meaningful information about the player.

The use of tests also includes the use of appropriate norms, test adaptations and test accommodations. It is important to note that no one assessment or psychological profile should be used as a sole determinant of psychological functioning. Psychological tests are always to be accompanied by individual psychological assessment and other collateral information collected about an individual.

5. DEFINITIONS

<i>Accreditation</i>	Refers to the official recognition of an individual being qualified to use, administer, interpret, and analyse a particular tool.
<i>AFL Club</i>	A Club that has been granted a licence to field a team in the Australian Football League or Australian Football League Women's.
<i>AHPRA</i>	Refers to The Australian Health Practitioner Regulation Agency (AHPRA), the regulatory body responsible for the implementation of the National Registration and Accreditation Scheme across Australia for all psychologists. Under the National Law, the Psychology Board of Australia and AHPRA work in partnership to implement the National Scheme and to protect public safety.



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<i>APS</i>	The Australian Psychological Society, the peak body representing psychologists in Australia.
<i>APS Code of Ethics</i>	The Australian Psychological Society Code of Ethics which articulates and promotes ethical principles and sets specific standards to guide both psychologists and members of the public to a clear understanding and expectation of what is considered ethical professional conduct by psychologists, including the use of psychological tests.
<i>Business Department</i>	Any logical element or segment of the AFL representing a specific business function.
<i>Health Information</i>	Refers to information or an opinion regarding: the health, including an illness, disability or injury, (at any time) of an individual; or an individual's expressed wishes about the future provision of health services to the individual; or a health service provided, or to be provided, to an individual; that is also personal information; other personal information collected to provide, or in providing, a health service to an individual.
<i>Informed consent</i>	Refers to consent to assessment or treatment and the requirement to warn of material risk prior to the commencement of any intervention.
<i>Psychologist</i>	Is a protected title. Psychologists must be registered with the Psychology Board of Australia (PsyBA) and listed with the Australian Health Practitioner Regulation Agency (AHPRA). They must have a minimum of six years of university training, engage in ongoing education, and adhere to strict ethical standards.
<i>Personal information</i>	Is defined in the <i>Privacy Act 1988 (Cth)</i> as any information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.
<i>Psychological testing</i>	Standardised and scientific assessment tools to measure aspects of an individual's cognitive, emotional, personality, and behavioural characteristics. This Policy acknowledges other professions at times administer measures that may be regarded as psychological because they tap into psychological concepts, but these tests are not classified as "psychometrically validated tests" with appropriately restricted access to those with registration as a psychologist to ensure quality, integrity and excellence.
<i>Reliability</i>	The measure of the consistency or stability of a psychological measurement tool.
<i>Screening tools</i>	Checklists, questionnaires and surveys used by appropriately qualified professionals to assess and identify mental health concerns, aspects of wellbeing, and individuals who may be at risk.
<i>Sensitive information</i>	Is a subset of personal information and is defined in the <i>Privacy Act 1988 (Cth)</i> as information or an opinion (that is also personal information) about an individual's: racial or ethnic origin; political opinions; membership of a political association;



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	religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual orientation or practices; criminal record; health information; genetic information; or biometric information.
Validity	The capacity of the psychological measurement tool to measure what it purports to measure.

6. PSYCHOLOGICAL TESTING PROCEDURES

The following procedures must be complied with when undertaking psychological testing:

1. All psychological tests must be selected, administered and interpreted by a registered psychologist.
2. The psychologist must have appropriate postgraduate training and/or accreditation in the use of the psychological test or screening tool.
3. All tests must be able to demonstrate appropriate levels of reliability and validity and be fit for purpose.
4. The psychologist must adhere to the *APS Code of Ethics* and be informed by the *APS Position Statement on the use of psychological tests and testing* in the use and administration of psychological testing.
5. Standards of informed consent apply.
6. Standards of confidentiality apply.
7. Any party that collects, stores or uses the results of psychological tests must do so in accordance with all applicable laws and this Policy.
8. Requirements for information storage and release as set out in this Policy apply.

7. INFORMED CONSENT PROCEDURES

All psychologists must fully inform clients regarding the services they intend to provide unless an exception applies (see Exceptions below).

Ensure consent is informed by the following principles:

1. Explaining the nature and purpose of the testing battery;
2. Clarifying the reasonably foreseeable risks, adverse effects, and possible disadvantages of the testing battery or testing process;
3. Encouraging the client to ask questions and provide input into the conversation;
4. Explaining how psychological test information will be collected and recorded;
5. Explaining how, where, and for how long, psychological test information will be stored, and who will have access to the stored information;
6. Advising clients that they may participate, may decline to participate, or may withdraw from methods or procedures for collection of psychological testing proposed to them;
7. Explaining to clients what the reasonably foreseeable consequences would be if they decline to participate or withdraw from the proposed psychological testing;



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8. Clarifying the frequency, expected duration, financial and administrative basis of any psychological evaluation that will be provided;
9. Explaining confidentiality and limits to confidentiality;
10. Making clear, where necessary, the conditions under which the services may be terminated; and
11. Providing other relevant information.

Written consent must be obtained from clients to provide a service unless an exception applies.

Where the client's capacity to give consent is, or may be, impaired or limited, psychologists must obtain the consent of a person with legal authority to act on behalf of the client and attempt to obtain the client's consent as far as practically possible.

Psychologists who work with clients whose consent is not required by law must still comply, as far as practically possible, with the informed consent procedures set out in this Policy.

Duration

Consent remains valid as long as there is no change in the client's condition or to the nature, extent or reason for the psychological assessment.

Exceptions

Where psychological assessment is authorised or required by statute or court order.

Clients under 18 years of age

On the date of this Policy, the Officer of the Australian Information Commissioner's website provides the following in relation to children and young people and their privacy rights:

The Privacy Act 1988 protects an individual's personal information regardless of their age. It doesn't specify an age after which an individual can make their own privacy decision. For their consent to be valid, an individual must have capacity to consent.

An organisation or agency handling the personal information of an individual under the age of 18 must decide if the individual has the capacity to consent on a case-by-case basis. As a general rule, an individual under the age of 18 has the capacity to consent if they have the maturity to understand what's being proposed. If they lack maturity it may be appropriate for a parent or guardian to consent on their behalf.

If it's not practical for an organisation or agency to assess the capacity of individuals on a case-by-case basis, as a general rule, an organisation or agency may assume an individual over the age of 15 has capacity, unless they're unsure.



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Access to the website: <https://www.oaic.gov.au/privacy/your-privacy-rights/children-and-young-people#:~:text=The%20Privacy%20Act%201988%20protects,must%20have%20capacity%20to%20consent.>

All AFL Business Departments and AFL Clubs must ensure they have appropriate procedures in place with regards to dealing with those who come under care of an AFL Business Department or AFL Club who are aged under 18 years. Such procedures sit outside the scope of this Policy.

8. COLLECTION AND STORAGE OF PSYCHOLOGICAL DATA

All AFL Business Departments and AFL Club Psychologists must ensure there is written documentation which provides contemporaneous evidence of informed consent unless an exception applies.

Ensure all health information, personal or sensitive information, including any psychological testing data or reports, are stored in line with the principles and practices of the Australian Privacy Principles (APPs) and all other applicable laws. The APPs are the cornerstone of the privacy protection framework in the Privacy Act 1988 (Privacy Act). They apply to any organisation or agency the Privacy Act covers.

Confidentiality

All AFL Club Psychologists and Business Departments must safeguard the confidentiality of psychological data or reports.

Use & Disclosure

Psychological assessment data or reports held about an individual that were collected for a particular purpose (the primary purpose), must not be used or disclosed for another purpose (the secondary purpose) unless:

1. the individual has consented to the use or disclosure of the information; or
2. the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal.

AFL Club Psychologists and Business Departments must take reasonable steps to ensure all information they use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete, relevant and not misleading.

Cultural Considerations

Psychologists should be aware that clients' language and cultural background are important factors influencing the assessment. This awareness may affect psychologists' choice of psychological tests; interpretation of results, reporting and communication to their clients and third parties regarding the assessment. Psychologists must inform their clients about the limitations of using culturally bound, English language assessment tools for the psychological assessment of culturally and linguistically diverse clients.



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This Policy aligns to Australian Psychological Society Ethical guidelines for the provision of psychological services for, and the conduct of psychological research with, Aboriginal and Torres Strait Islander people of Australia (APS, 2015c). Those guidelines provide the following guidance:

1. respect the value systems and authority structures that operate in Indigenous communities;
2. be sensitive to both cultural and contextual factors associated with Indigenous health and wellbeing;
3. ensure that informed consent is validly given and understood;
4. understand the importance of providing a culturally competent and respectful service, and where practical and/or requested involving an appropriate Indigenous cultural consultant;
5. select an appropriate test or instrument when assessing Indigenous clients;
6. note any necessary caveats on the interpretation of the test results when the reliability and validity of individual and group test results for Indigenous test takers are limited.

Security of Personal Information

AFL Club Psychologists and Business Departments must take such steps as are reasonable in the circumstances to protect personal information:

1. from misuse, interference and loss; and
2. from unauthorised access, modification or disclosure.

Destruction & De-Identification

Where an AFL Club Psychologist or Business Department holds psychological data or reports about an individual and no longer needs the information for any purpose for which the information may be used or disclosed by the entity under this Policy and:

1. the information is not contained in a Commonwealth record; and
2. the Psychologist or Department is not required by or under an Australian law, or a court/tribunal order, to retain the information,

such steps as are reasonable in the circumstances must be taken to destroy the information or to ensure that the information is de-identified.

Access to Personal Information

As required by law, access to psychological test data or reports should be granted to the tested individual upon request by that individual or in the case of a minor, by a parent or guardian.

Except where inconsistent with any applicable law or regulatory instrument, access is not required to be given in the event that:



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1. giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
2. giving access would have an unreasonable impact on the privacy of other individuals; or
3. the request for access is frivolous or vexatious; or
4. the information relates to existing or anticipated legal proceedings between the entity and the individual, and would not be accessible by the process of discovery in those proceedings; or
5. giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
6. giving access would be unlawful; or
7. denying access is required or authorised by or under an Australian law or a court/tribunal order

Requests for access to personal information must be responded to within a reasonable period after the request is made and by providing the information in the manner requested by the individual, if it is reasonable and practicable to do so.

9. RELEVANT REFERENCE DOCUMENTS AND POLICIES

Australian Psychological Society Code of Ethics adopted on 27 September 2007

Australian Psychological Society Ethical Guidelines – Psychometric Testing approved by the APS Board of Directors, February 2018

Australian Psychological Society Ethical guidelines for the provision of psychological services for and the conduct of psychological research with Aboriginal and Torres Strait Islander people of Australia (APS, 2015c)

Australian Commission on Safety and Quality in Health Care. (2012). Safety and Quality Improvement Guide Standard 1: Governance for Safety and Quality in Health Service Organisation. Sydney: Commonwealth of Australia

Consumers Health Forum of Australia. (2013). Informed Consent in Healthcare: An Issues Paper. Accessed at: <https://www.chf.org.au/pdfs/chf/Informed-Consent-Issues-Paper.pdf>

Department of Health Victoria. (2013). Human Resources: Charter of Human Rights and Responsibilities Implementation Guide for DEECD Policy Officers. Accessed at: <http://www.education.vic.gov.au/hrweb/Documents/Charter-Implementation-Guide-DEECD.pdf>

Office of the Australian Information Commissioner: Privacy in your state accessed at <https://www.oaic.gov.au/privacy/privacy-in-your-state/>

Office of the Health Services Commissioner. (2003). Information Sheet No. 5 – Minors, Privacy Laws & Consent. Accessed at: <http://www.health.vic.gov.au/hsc/infosheets/minors.pdf>

Office of the Public Advocate. (2013). Medical Consent. Accessed at: www.publicadvocate.vic.gov.au/medical-consent/



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Office of the Public Advocate. (2011). Section 42K Notice. Accessed at: <http://www.publicadvocate.vic.gov.au/file/file/Medical/interactive%20PDFs/Section42KNotice2011.pdf>

Queensland Health. (2011). Guide to Informed Decision-making in Healthcare. Accessed at: <http://www.health.qld.gov.au/consent/documents/ic-guide.pdf>

National Health and Medical Research Council. (2013). National Statement on Ethical Conduct in Human Research. Accessed at: <http://www.nhmrc.gov.au/book/national-statement-ethical-conduct-human-research>

10. RELEVANT LEGISLATION

Guardianship and Administration Act 1986 (Vic)

Health Records Act 2001 (Vic)

Health Records and Information Privacy Act 2002 No 71 (NSW)

Information Act 2002 (NT)

Information Privacy Act 2014 (ACT)

Information Privacy Act 2009 (Qld)

Mental Health Act 2014 (Vic)

Personal Information and Protection Act 2004 (Tas)

Privacy Act 1988 (Cth)

Privacy and Personal Information Protection Act 1998 (NSW)

Privacy and Data Protection Act 2014 (Vic)



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