

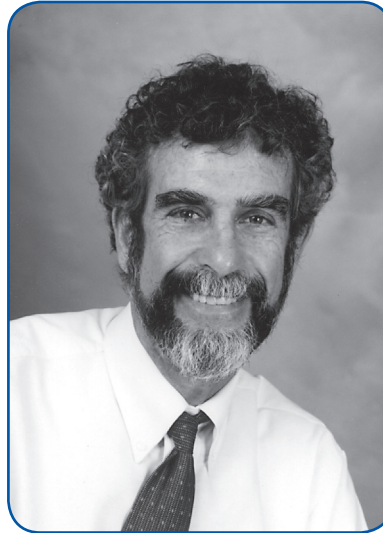
# To Google or Not to Google ... Our Clients? When Psychotherapists and Other Mental Health Care Providers Search Their Clients on the Web

Ref: Zur, O. (2010). To Google or Not to Google ... Our Clients? When psychotherapists and other mental health care providers search their clients on the Web. *Independent Practitioner*, 30/3, 144-148.

This article is part of an online course **Digital Ethics for 8 CE credits.**

—Ofer Zur

**M**odern digital technologies have raised many complex clinical, ethical and legal issues for psychotherapists, counselors, MFTs, social workers, psychiatrists and other mental health care providers, as well as for clients, patients, and other consumers of mental health services. This paper is an invitation to contemplate and wonder about these matters. The main goal of this paper is to outline and articulate some of the more important aspects of the topic and list the relevant questions rather than provide premature answers or conclusions. *There is almost no research on the issues discussed in this paper, and the dialogue is in its infancy.*



## Some of the issues presented by modern digital and Internet technologies include:

- Clients using Google, Yahoo or other search engines to find information about their psychotherapists. Such searches can range from appropriate to criminal cyber-stalking.
- Psychotherapists Googling their clients with or without clients' knowledge and/or consent.
- Psychotherapists' professional and personal disclosures via web sites, social networking profiles (i.e., Facebook, Twitter), listserves and other Internet mediums.
- Psychotherapists and clients communicating digitally via e-mail, text, Skype, Facebook, Twitter or other online social networking sites.
- Clients or psychotherapists texting or using cell phones during face-to-face in-office sessions.
- Issues of confidentiality, privacy, record keeping, storage and retrieval of online communication between psychotherapists and clients.

Most of these new concerns have not yet been addressed thoroughly in the professional literature. The topic of clients using Google, Yahoo or other search engines to find information about their psychotherapists has been addressed by some authors, such as Barnett (2010) and Kolmes (2010). There seems to be a growing understanding that modern day consum-

ers routinely Google potential healers, products and services as part of their due diligence in shopping. Zur (2008a, 2009) detailed four levels of Google searches by clients, from appropriate and common to criminal and illegal. Interactions between psychotherapists and clients on Facebook, Twitter, and other social networking has also begun to receive attention in the professional literature (Keller, et al. 2010; Kolmes, 2010; Lehavot, 2009; Younggren, In press; Zur, 2010). Zur (2008b) explored the related issue of clients and psychotherapists exchanging e-mails between sessions. The general media has also started to explore the question of psychotherapists and other professionals

Googling their clients in a recent Washington Post article (Scarton, 2010) and [Boston.com](http://Boston.com) (Forman, 2010) and a few professionals have also contributed some initial thoughts on the matter (Kolmes, 2010; Kolmes & Taube, 2010; Nagel, 2010).

**This article focuses** on some of the clinical, ethical, and legal issues that surround the question whether and under what conditions psychotherapists and counselors may, should, or should not conduct web searches of their clients.

## Consider the Following Situations:

Following is a mix of real-life and hypothetical situations relevant to the question of whether it is permissible, ethical, reasonable, or generally okay for psychotherapists to conduct online searches of their clients:

- After the first call from a potential new client, the psychotherapist wonders whether the client, who did not present very impressively, was bragging or delusional about being the President of a Fortune 500 Company.
- A psychiatric nurse in an emergency room at a local hospital is attending to an unconscious young patient who, according to her family, had attempted suicide. The nurse was also told by the family that this client keeps an elaborate web site and Facebook profile. The nurse is considering going online to see if she can determine what the client may have

taken as part of her suicide attempt and whether the client had posted a suicide note online.

- Psychotherapists who utilize home offices may find that Googling new clients can help with their screening and safety-assessment protocols that are extremely important in home office settings.
- After a few sessions, a psychotherapist wonders (even though the client has denied it) whether she is being set up to get involved in a custody battle and wonders if she can find information about it by searching her client's name online.
- A few months after the start of psychotherapy with a rather angry and aggressive client, who was clearly dissatisfied with prior treaters, the psychotherapist wonders if the client has a history of suing his doctors and psychotherapists and considers searching for such information online.
- A female psychotherapist working after-hours in an office, when receptionists and fellow psychotherapists have already left the building, considers Googling all new clients for safety reasons.

The question of whether psychotherapists, counselors and other mental health care workers may or should Google their clients is a new and rather hot topic of discussion among practitioners, clients, ethicists and legal experts. The topic has come up frequently in recent years during my ethics, boundaries and private practice seminars and consultations. Clearly, the topic merits more exploration.

## When Psychotherapists Find Clinically Significant Information About Their Clients Online

Consider the following hypothetical situations in which psychotherapists have uncovered significant information about their clients by conducting online searches:

- A psychotherapist discovers that his new client has filed several board complaints against former psychotherapists and also sued a couple of them.
- After a few months of treatment, a psychotherapist found out the client has an active and violent porn web site, which client has not mentioned during psychotherapy even though treatment has focused on issues of intimacy and sexuality.
- Prior to treatment, a pro-choice activist, female psychotherapist realizes that her new client is an equally avid pro-life client. The client demonstrates in front of the women's clinic where the psychotherapist occasionally provides pro-bono services.
- A psychotherapist is concerned about a client who abruptly dropped out of treatment and conducts an online search to find out about the client's well being.

- An animal-lover psychotherapist discovers that a client has a long history of felony indictments for animal cruelty and brutal dog fighting that was never brought up in treatment.
- A psychotherapist realizes that his client is the listing agent for a house he is about to make an offer on.
- A psychotherapist finds that her client has a past felony conviction for stalking a prior psychotherapist and members of her family.
- A gay psychotherapist learns that a client is a member of a well-established hate group known to promote acts of violence against members of the LGBT community.
- A psychotherapist learns that a new client, who has used a nickname to set up a first appointment, is the same person she has just made a date with on an Internet dating site.
- A psychotherapist found out that client is on sexual offender online list of offenders.

## Main Questions Regarding Psychotherapists Searching Their Clients Online

This uncharted clinical, ethical and legal territory of online searches of clients by their psychotherapists is saturated with numerous unanswered questions. Some of these questions include:

- Is it ethical to conduct an online search on a client *without* the client's knowledge?
- Is it ethical to search online for a client *without* the client's (informed) consent?
- If psychotherapists Google their clients with neither the clients' consent nor knowledge, must they inform their clients *after* they have Googled them?
- If psychotherapists find *clinically significant* information on their clients via online searches, do they have to tell clients what they have discovered?
- Is it ethical to Google clients in order to *save lives*, but not just to find more general information about them?
- How does the information gained from online searches by psychotherapists of their clients *affect the work of therapy itself* and the therapeutic relationships?
- What, if any, are the clinical, ethical and legal *guidelines* for psychotherapists Googling their clients?
- How do, or do, psychotherapists *document* online searches of their clients?
- Are the online search results part of the clinical or psychotherapy *records*?
- Are the online searches by psychotherapists legally discoverable?

- Are there *legal issues* involved in psychotherapists searching their clients online without clients' knowledge or consent?

## General Therapists' Attitudes Towards Googling Their Clients

Psychotherapists seem to generally fall into four basic categories when it comes to the question of conducting web searches of their clients. These groups are not necessarily mutually exclusive. The *first* group's view is summarized in one psychotherapist's comment "A psychotherapist has just as much right to Google a patient as any patient has to Google their psychotherapist. If it is public information, which includes most information available on the Internet, then anyone can look at it." Some psychotherapists in this group do not view informed consent as neither necessary nor mandatory. The *second* group focuses on the aspect of informed consent and emphasizes that clients must be aware that their psychotherapists may or routinely Google them. This group also emphasizes the importance of informed consent and asserts that psychotherapists must discuss the matter with their clients *prior* to Googling them and receive the clients' consent prior to conducting the search. The *third* group views the whole general idea of psychotherapists searching their clients to be negative, voyeuristically based and counter clinical. They view it as being intrusive to their clients' lives, potentially disruptive to the therapeutic frame, and generally detrimental to clinical work. The focus of this group is to maintain clear boundaries that support the "therapeutic frame." The *fourth* group shares some of the views of the second and third groups and considers the act of psychotherapists searching their clients online similarly to collecting information from a third party, with the implication that informed consent is mandatory.

## Factors That May Determined Therapists' and Clients' Attitudes towards Online Searches

### *Generational differences and tech savvy factors*

The ways in which psychotherapists and clients respond to the above questions and their general attitudes towards Googling each other are likely to correlate with several factors, including their age and their degree of being technically savvy.

Zur and Zur (2010) detailed the generational digital divide in their article, [On Digital Immigrants & Digital Natives: How the digital divide creates conflict between parents and children, teachers and students, and the older and younger generations.](#) (Note: The terms "Digital natives" and "Digital immigrant", by some accounts, seem to have been initiated by Dr. Christakis.) Along the same line of thought, young psychotherapists and

young clients, referred to as "digital natives," are more likely to feel comfortable searching one another online with or without knowledge or consent. In fact, they may have come to expect it. Most "digital native" clients are likely to consider any and all of their online postings as public domain and expect people to freely view their YouTube videos, Facebook profile, if it's set to public view, and any public information about them, such as news stories, marathon results, place of employment, etc. In contrast, older clients and older psychotherapists, dubbed "digital immigrants," may respond negatively to the idea of psychotherapists Googling their clients and vice versa. This may be the case especially if they belong to the subgroup that has been called "reluctant adopters" rather than the subgroup dubbed "enthusiastic adopters."

It is important to note that not all young people fall into the "digital native" category. Some young people are neither digitally savvy nor enthusiastically involved in online or digital activities. Accordingly, these young people may not expect their therapists to search them online or appreciate it if they do. Similarly, age itself may not be a good predictor when it comes to older clients' attitudes towards being Googled. Enthusiastic adopters among the "digital immigrant" older clients are more likely to feel comfortable with the idea of being Googled by their psychotherapists. In contrast, older clients who fall into the "reluctant adopter" or "avoider" categories may feel violated and intruded upon if they learn that their psychotherapists have Googled them or even request to Google them. Clients who are digitally savvy and frequent the Internet regularly and actively manage websites or social networking profiles are likely to already know what Google searches for their names are to yield. They have either been Googling themselves regularly or have set up "Google Alert" that informs them about any new postings that cite their name.

## Additional Factors for Psychotherapists

Psychotherapists' attitudes towards conducting online searches of their clients are not only determined by their age or how tech-savvy they are. Following are a few more factors that may determine whether psychotherapists are likely to Google their clients. Psychotherapists may vary in response to these issues relative to their theoretical orientation and their attitudes towards therapeutic boundaries. Psychodynamic and psychoanalytic psychotherapists have traditionally emphasized the importance of the "therapeutic frame" (Lang, 1982) and, therefore, are less likely to embrace "outside" data input. They may view it as a breach of the therapeutic frame, which can negatively affect the transference and counter-transference analysis. Whether for personal, personality, cultural or risk management reasons, psychotherapists who emphasize the importance of clear or strict therapeutic boundaries

generally tend to minimize self-disclosure, avoid physical touch, gifts exchange, and shy away from any form of dual or multiple relationships (Williams, 1997; Zur, 2007). Logically, such psychotherapists are also less likely to cross digital boundaries and search their clients online with or without their consent.

## Additional factors for clients

Similar to the situation of psychotherapists, clients' responses to their psychotherapists Googling them is not affected only by their age or how tech-savvy they are. Clients who are very private or shy or those who tend to compartmentalize and prefer to keep the 'rest of their lives' outside the realm of psychotherapy for a variety of reasons are less likely to feel comfortable with their psychotherapists Googling them. Clients who have something to hide, such as criminal records, lawsuits against former psychotherapists, drug abuse or an ongoing child custody battle, are also more likely to object to or feel upset and violated by their psychotherapists searching them online.

Some clients prefer to be seen as they present and have an authentic relationship based on both parties present in the therapeutic encounter. This preference is not based on shyness, compartmentalizing, or having anything to hide. Similarly, some clients have reported that they strongly feel that it is unethical for the psychotherapist to conduct online searches on them, unless they have suspicion of danger. These clients reported that they would find it a violation if a psychotherapist searched for information besides what they present in psychotherapy; they would see such search as compromising the integrity of the process and a violation of trust.

## Potential Factors of Settings

The setting of psychotherapy may also play a role in how psychotherapists' online searches of their clients may be viewed by either psychotherapists or clients. For example, psychotherapists and clients who reside in small, close-knit communities, such as rural, military bases, churches or disabled communities, may be more accepting of such online searches, as they are accustomed to high transparency. Psychotherapists, who work in settings where the therapeutic relationship is not emphasized, such as psychiatric emergencies or forensic settings, may search their clients with less concern about how it may effect the therapeutic alliance.

## Examples of Informed Consent Relating to Internet Searches

While there is no clear standard of care in regard to psychotherapists Googling their clients, many psychotherapists and ethicists emphasize the importance of informed consent. Examples of the "Use of Search Engines" in the "Social Media Policies" statements that are part of the "Informed Consent," given to clients

prior to the first session are:

- At times I may Google my clients before the beginning of psychotherapy or during psychotherapy. If you have concerns or questions regarding this practice, please discuss it with me.
- While my present or potential clients might conduct online searches about my practice and/or me, I do not search my clients on Google, YouTube, Facebook, other search engines or online social networking sites. If clients ask me to conduct such searches or review their web sites or profiles and I consider that it might be helpful, I will consider it.
- It is NOT a regular part of my practice to search for clients on Google or Facebook or other search engines. Extremely rare exceptions *may* be made during times of crisis. If I have a reason to suspect that you are in danger and you have not been in touch with me via our usual means (coming to appointments, phone, or email) there *might* be an instance in which using a search engine (to find you, find someone close to you, or to check on your recent status updates) becomes necessary as part of ensuring your welfare. These are unusual situations and if I ever resort to such means, I will fully document it and discuss it with you when we next meet." (For a sample of Private Practice Social Media Policy by Dr. Kolmes, go to <http://www.drkkolmes.com/docs/socmed.pdf>)

## Proposed General Guidelines

The question of whether therapists should Google their clients or under what circumstances they may conduct online searches of their clients is far from being resolved. For now psychotherapists, counselors, social workers and other mental health care providers may want to consider some of the proposed following general guidelines:

- Articulate to yourself your general attitude towards Internet searches of you, your family, your friends or your clients.
- Before searching your clients online, make sure that you have a clinical rationale or well-articulated reason/s for doing so, rather than doing it out of habit or to satisfy your curiosity or voyeuristic tendencies.
- Be mindful that searching your clients online may yield results that alter your view of the clients and hence the therapeutic relationship.
- Disclosing to your client the desire to search or that you have already searched may alter the client's view of you and hence the therapeutic relationship.
- You may want to consider adding a "Social Media Policy" to your "Informed Consent" or "Office Policies," which clients review and sign *before* the first session. Examples of the "Use of Search Engines"

part of the "Social Media Policies" were provided above. (For a more complete sample of a "Social Media Policy," go to <http://www.drkkolmes.com/docs/socmed.pdf>)

- When clinically and otherwise appropriate and possible, consider the idea of discussing online searches with your client prior to conducting the search, if you feel inclined to search at all.
- If you have decided to conduct an online search of your clients *without* their consent or knowledge, make sure that you have a clinical rationale for doing such a search.

Remember that we are still in an era where the standard of care regarding online searches of clients by their psychotherapists is not established yet. Therefore, proceed with caution. Be aware of your reasons for conducting online searches of your clients, construct a clinical rationale, be sensitive to your clients' culture, personality, attitudes towards privacy and technology and consult if necessary.

## In Summary

The main goal of this paper is to outline and articulate some of the more important aspects of the topic and list the relevant question rather than provide premature answers or conclusions. This paper cautions against drawing premature conclusions about what is ethically or clinically appropriate and invites psychotherapists, scholars, teachers, ethicists and attorneys to tolerate 'not knowing,' yet, how to deal with these modern-day digital complexities. If we use critical thinking, adhere to thorough decision-making processes, allow for a dialogue, embrace diversity and tolerate ambiguity, we will be able to come up with thoughtful conclusions and flexible guidelines that include the different situations, clients, psychotherapists and technologies and, most importantly, preserve the integrity of our profession and increase the effectiveness of our work.

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Since the publication of this article, a number of Dr Zur's points have been further addressed by professional organizations and the HIPAA law. Here are some important highlights.

### **On Googling of Clients and Therapists**

The 2014 ACA Code of Ethics restricts the Googling of clients without prior client consent, stating that Counselors "respect the privacy" of clients online. It is not clear at this time if the cases presented in the article as reasonable times to Google a client would be seen as reasonable exceptions to this privacy requirement.

Other publications and guidelines from mental health professional organizations have also suggested that Googling clients without sufficient reason and/or prior consent may not be good practice.

### **On Having a Social Media Presence**

There is an emerging professional standard for therapists with an online presence to distribute a social media policy. Such Social Media Policy can be part of the Informed Consent (See Zur Institute's Clinical Forms) or stand-alone Media Policies, such as Dr. Kolms

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