

## **The Google Factor**

### **Psychotherapists' Intentional & Unwitting Self-Disclosures**

#### **On The Net**



**What can clients find out about their psychotherapists and counselors with a click of the mouse?**

**What can psychotherapists and counselors do about negative information posted online about them?**

**What are the modern-day digital ethical, clinical and legal complexities of online transparency?**

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**The issue of privacy is one of the biggest challenges posed by the Internet. New Internet Technologies have presented a very complicated and complex legal, ethical and moral tension between the right to privacy versus the First Amendment constitutional right to free speech.**

## Introduction

Psychotherapists are accustomed to viewing self-disclosure as something personal they intentionally and verbally reveal to their clients, often not realizing that self-disclosure encompasses a vast deal more. Therapists' self-disclosure can be deliberate, unintentional, or accidental, it can be verbal or non-verbal and, most relevant to this paper, it can be available to the client without the therapist's knowledge (Scarton, 2010; Zur, 2010) or approval. In the Internet era, the concept of disclosure of information about therapists has become even broader and more complex. Search engines, such as Google, and specialized for-fee background checks, have completely changed the way clients can obtain information about their therapists, what kinds of information are available to clients with the click of a mouse and, correspondingly, what therapists may inadvertently disclose online.

At its most basic, a therapist's self-disclosure may be defined as the revelation to the client of personal rather than professional information (Farber, 2006; Zur, 2007). Generally, when therapist disclosure goes beyond the standard professional disclosure of name, credentials, office address, fees, emergency contacts, cancellation policies, etc., it is considered self-disclosure (Stricker & Fisher, 1990). This paper discusses the various kinds of self-disclosure mentioned above, i.e., intentional and unintentional, witting and unwitting. All can be gathered under the umbrella of "therapist self-disclosure", as all disclose information about the "self" of the therapist regardless of how the information came to light. Similar to the issue of what one may call "forced transparency" for instance, self-disclosure in small communities where therapists' lives are unavoidably quite transparent (Knox, Hess, Petersen, & Hill, 1997, Zur, 2006) - self-disclosure on the Internet creates an equivalent transparency. The only difference is the size of the "actual village" in comparison to the "global village."

## Five Types Of Self-Disclosure

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There are **five** different types of self-disclosure: deliberate, unavoidable, accidental, inappropriate and client-initiated. Following are brief descriptions of these types, followed by a more detailed description of the last category, i.e. clients' search for information about their therapists.

**1. Deliberate self-disclosure:** Self-disclosure is often refers to therapists' intentional disclosure of personal information. This might be verbal and also could be other deliberate actions, such placing a certain family photo in the office, the choice of office décor or an empathic gesture, such as a touch or a sigh (Barnett, 1988; Farber, 2006; Zur, 2007). There are two types of deliberate self-disclosure. The first one is *self-revealing*, which is the disclosure of information by therapists about themselves. The second type has been called *self-involving*, which has to do with therapists' personal reactions to clients and to occurrences that take place during sessions (Knox, et al., 1997). Appropriate and clinically driven self-disclosures are carried out for the clinical benefit of the clients. Humanistic (Jourard, 1971), feminist (Greenspan, 1985) cognitive and group therapists, and those who work with children and minorities have generally embraced self-disclosure more readily than psychoanalytically oriented therapists (Williams, 1997).

**2. Non-Deliberate self-disclosure:** This form of self-disclosure includes a wide range of possibilities, such as a therapist's gender, age and distinctive physical attributes, such as pregnancy, visible tattoos, obesity, some forms of disability, etc. (Stricker & Fisher, 1990). Therapists reveal themselves also by their manner of dress, hairstyle, use of make-up, jewelry, perfume or aftershave, facial hair, wedding rings, or the wearing of a cross, Star of David or any other symbol (Barnett, 1998). Non-verbal cues or body language (e.g., a raised eyebrow, a frown) are also sources of self-disclosure that are not always under the therapist's full control. A therapist's announcement of an upcoming vacation, or other time to be spent away from the office, also constitutes unavoidable self-disclosure. The home office setup, when the therapy office is located at the therapist's home, always involves extensive self disclosures, such as economic status, information about the family and pets, sometimes information about hobbies, habits and much more.

Therapists who practice in small or rural communities, on remote military bases or aircraft carriers, or those who work in intimate and interconnected spiritual, ethnic, underprivileged,

disabled or college communities, must all contend with extensive self-disclosure and significant transparency of their personal lives simply because many aspects are often displayed in clear view of their clients by virtue of the setting. In many of these small community situations, a therapist's marital status, family details, religion or political affiliation, sexual orientation and other personal information may be readily available to clients (Farber, 2006; Zur, 2006).

**Clients' search for information about their therapists may vary between normal curiosity and criminal stalking.**

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**3. Accidental self-disclosure:** This form of self-disclosure occurs when there are spontaneous verbal or non-verbal reactions, incidental or unplanned encounters outside the office, or other planned and unplanned occurrences that happen to reveal therapists' personal information to their clients (Knox, Hess, Petersen, & Hill, 1997; Stricker & Fisher, 1990, Zur, 2007). This may include a therapist's unplanned strong, emotional, negative response to a client's announcement of a decision to get married, quit a job, etc. or it might be when a client unexpectedly witnesses the therapist's interaction with his/her family in a public place.

**4. Inappropriate or counter clinical self-disclosure:** These forms of self-disclosure include self-disclosures that are done for the benefit of the therapist, burdens the client with unnecessary information about the therapist or creates a role reversal where a client, inappropriately, takes care of the therapist (Knox, et al, 1997; Stricker & Fisher, 1990; Zur, 2006). One the most cited examples is when therapists inappropriately discuss their own sexual feelings or fantasies. Other examples are when therapists selfishly discuss their own hardships with their clients without any clinical rationale. Such inappropriate self-disclosures are often counter-clinical and unethical.

**5. Self-disclosures that are initiated by clients' deliberate actions:** This type of disclosure is the focus of this article. A therapist, in this case, may intentionally or unintentionally and wittingly or unwittingly reveal information about him or herself to clients who are conducting 'online-searches' for the specific purpose of gathering information about the therapist. Such searches can reveal a wide range of professional and personal information, such as family history, criminal records, family tree, volunteer activity, community and recreational involvement, political affiliations and much more. In the past, curious, obsessed or intrusive clients were known to have inquired about their therapists in the community; to have searched for and found their therapist's home address, marital status and similar details or to have criminally stalked their therapists (Barnett, 1998). However, the meaning of curiosity and stalking has radically altered since the introduction of Internet search engines such as Google, Yahoo, Lycos, Alta Vista, etc., as well as thousands of for-free services that are able to find out almost anything a client might desire to know about their therapist (Zur, 2007). As the rest of the paper elaborates, the result of new web technologies is that therapists do not always have control over or knowledge of what is posted online about them, and consequently neither control over nor knowledge of what clients may find out or know about them.

**In the words of the web expert Dr.  
Rosen, 'Consider anything you write  
online as being tattooed on your  
forehead.'**

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## Free Speech And The Right To Privacy (Or Lack Thereof) On The Internet

The issue of privacy is one of the biggest challenges posed by the Internet. New Internet Technologies have presented a very complicated and complex legal, ethical and moral tension between the right to privacy versus the First Amendment constitutional right to free speech. This question of privacy vs. free speech is currently being debated throughout the country among lay people, professionals, politicians, attorneys and courts. Some of the focus of the debate has been around concern with online data vendors such as, Intelius.com, PeopleFinder.com and ZabaSearch.com. These are companies that search public record databases, gather all sorts of information and, often for a fee, provide the information on the Internet.

In discussing these complexities there are several issues that need to be defined and attended to: The notion of Public Records. The First Amendment and the Right to Free Speech and the Right to Privacy. Following are short discussions of these issues:

**1. Public Records:** The online data vendors are accessing and searching "public records." Public records are documents which are open to inspection by the general public, for example, the white pages or licensure records. As these papers clarify, many court documents are often classified as public records including marriage and divorce records, lawsuits, liens, etc. As a result, anything that is open and available to the public via the Public Records Act, is also available to the online data vendors.

**2. The Right to Free Speech:** The first Amendment protects a person's right to speech absent a compelling governmental interest in silence. Legally speaking, publishing "public documents" is a form of speech in California, as well as other states. Along these lines, the First Amendment, some argue, provides protection to online data vendors who publish "public records." A 2001 Washington state case (*City of Kirkland v. Sheehan*, 2001 WL 1751590, Washington Superior Court) has argued that certain public information should be silenced by the government. In this case a Washington resident published a public website called [www.justicefiles.org](http://www.justicefiles.org). This website contained information about police officers and their names, addresses, and phone numbers. Obviously, this act raised a serious concern for the safety of the police officers, their families and, one may hypothesize, to the community at large which depends on the service of these police officers. The superior court held that the First Amendment allowed the publication of this material on a public website stating: "In the absence of a credible specific threat of harm, the publication of lawfully obtained addresses and telephone numbers, while certainly unwelcome to those who had desired a greater degree of anonymity, is traditionally viewed as having the ability to promote political speech."

**3. The Right to Privacy:** Privacy is the ability of an individual or group to seclude information about themselves and, thereby, reveal themselves selectively. The boundaries and content of what is considered private differs between cultures and individuals, but shares basic common themes. Privacy is sometimes related to anonymity, the wish to remain

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unnoticed in the public realm" ([Wikipedia.org](https://en.wikipedia.org)). The right for privacy is the right against unsanctioned invasion of privacy by the government, corporations or individuals.

**4. The Right to Privacy vs. Freedom of Speech:** As this paper illustrates, there are instances where the right to privacy conflicts with the right to freedom of speech. Like police officers in the Washington case, psychotherapists have a legitimate concern that the general public and/or their clients should not have access to their home addresses and phone numbers, even though they are likely to be legally considered "public records." This stems from the fact that psychotherapists, by the very nature of their profession, are also treating those who are mentally disturbed or ill and can be paranoid, violent, stalking, vindictive, etc. However, until the government takes action on this issue, it remains unclear as to what legal protections or remedies are available to psychotherapists who wish to keep their addresses, phone numbers and other personal information private.

**Self-disclosure is a broad term that includes therapists' intentional and unintentional and witting and unwitting disclosures about their personal lives.**

## **Ways That Clients May Find Online Information About Their Therapists**

There are a number of ways that clients may go about finding information about their therapists online.

**1. Reviewing therapists' professional web sites and online resumes:** Many therapists have developed professional web sites that most often provide information about their education, training, professional experiences, orientations, philosophy of treatment, etc. Some include their office policies, fees and directions to the office as part of their



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professional web page. Others include postings of the therapists' photos, therapists' own articles or links to articles on different topics, such as depression, anxiety, teen suicide, etc. Of the various ways that clients may find information about their therapists online, this type of activity is the only one over which therapists have full control and knowledge of what is being revealed to their clients about them.

**2. Conducting a simple Google [Internet] search:** A simple Internet search is likely to unearth information that was posted by the therapist, as well as data that was posted without the therapist's knowledge. There may be a home address, home or unlisted phone numbers and a personal email address; information about family members, family trees or sexual orientation; volunteer activities and community involvement; political affiliation and political petitions signed; professional activities and membership in professional organizations, and licensing board's sanctions or complaints. With the click of a mouse, clients can find their therapists' writings on a variety of web sites and personal blogs and therapists' own blogs. A simple search can also reveal what others have written about the therapist on a variety of web sites and personal blogs. These include former clients' complaints, grievances, grouses, cavils, quibbles, grumbles, charges, accusations and criticisms.

**3. Joining social networks or reading therapists' or others blogs:** Clients may choose to join social networks, such as Facebook, and find very personal information about their therapists. Once clients join the social networks, they can befriend their therapists online and gain access to all sorts of information, including relationship status, religious views, hobbies and even favorite songs. Clients can also read their therapists' blogs if their therapists use their real names. Other clients are able to find the identity behind the screenname; those savvy in research may have little trouble at all in discovering their therapists' real identity and eliciting highly personal information about their therapists.

**4. Paying for specialized online background checks:** By paying online, clients can employ special services that will retrieve all sorts of information, sometimes illegally. This may include, financial information, including tax information, such as taxes paid and tax liens, credit reports, debts, liens or bankruptcies; criminal records, small claims civil judgments; past and present law suits; marriages and divorces, including divorce records and allegations of domestic violence or molestation; ownership of property and businesses; cell phone records, including a 10-year history with available listed phone numbers!

**5. Reading therapists' postings on professional listservs and in chatrooms:** There are numerous ways that clients can locate information online about their therapists' beliefs, practices and other aspects of their professional and private lives. Clients can join professional listservs and chatrooms, especially the open sites, with rather simple pseudo-names. Often no one checks the true identity or professional status of the individual and on many listservs anyone can join. Although there may be a registration form required, often all that is requested is name, business name, address, phone number, email address and area of practice. The information is rarely checked for honesty or accuracy. It is rare that more than 10% of list members post with any regularity and some never do, which means therapists have no information regarding the remaining 90% of people on the list. Some listserv moderators invite participants to present cases online. As a result, clients who join



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such listservs using a false identity, may be privy to information about the therapists' other clients, and perhaps even the details of their own treatment. Even when the listserv's moderator or therapists may appropriately disguise the identity of the clients, the clients may recognize themselves in the unique details, as they also might if someone they know is in treatment with the same therapist. Clients who join such listservs may detect information regarding their therapist illegally or unethically committing insurance fraud, charging high co-pays, etc. Most therapists do not know if information on listservs is accurate or inaccurate, and that it may be available indefinitely.

## On Clients' Curiosity, Due Diligence, Intrusion And Cyber-Stalking

Clients' search for information about their therapists may vary between normal curiosity and criminal stalking. Following are four different categories under which clients' behavior may fall.

**Level 1 - Curiosity:** Clients who are healthily and appropriately curious about their therapists may conduct a simple Internet search or check their therapists' professional web site. This search may yield information regarding the professional lives of the therapists (i.e., education, training, credentials, etc.) and personal information that therapists elect to include in their own professional web page. It may include some general membership information.

**Level 2 - Due diligence or thorough search:** Clients who are more seriously looking for information about their therapists may apply due diligence. This "due diligence" or thorough approach may include searching the licensing board's web site to see if a potential therapist has had any complaints filed against him or her, or what other professionals or clients have posted about that therapist. In our modern era of consumer rights and consumer power, it is legitimate and common for clients' to want to learn about the people in whom they will place their trust and from whom they hope to learn.

**Level 3 - Intrusive search:** Clients may 'push the envelope' and intrusively search for information about their therapists. They may search for a home address or marital status or information about family members, etc. This may also include disguising one's identity and joining social networks, listservs, etc., in order to find out more. They may also pay for an online service which legally gathers information that is not readily available online. This may include divorce or other court records that are considered public records. They may also locate online, a camera, know as "cam," that films or televises 24/7 a certain public place where the therapists may visit. An example of this is a client who watched online her therapist and his family, on vacation at Catalina Island, off the coast of Southern California strolling around down town.

**Level 4 - Illegal search or Cyber-stalking:** There are those clients who will hire certain unscrupulous online services to illegally gather information about the therapist. This is a much cheaper and more readily available digital version of hiring a 'traditional' private eye and can be anonymously. Such information may include credit reports, banking information, cell phone records, tax records and other highly private information.

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## General Guidelines Regarding Internet Transparency

Following are some basic suggestions for therapists in regard to what they can find out and what they may do regarding online disclosures:

- Therapists should always assume that *everything* what they post online, whether it is on their own Web site, private or public blogs, listservs, password protected bulletin boards, chats, social networks, etc., *may be read* by their clients. In the word of the Web-expert Dr. Rosen, "Consider anything you write online as being tattooed on your forehead."
- Therapists should be very careful in discussing case studies online, and make sure that they either get permission from clients to discuss their cases, or make sure that identifying information is removed or significantly changed, i.e., in HIPAA terminology, make sure you 'de-identify' your clients.
- Therapists should be aware that their clients might read consultations they have posted with other therapists. These might include the clients' cases. Clients who read such postings may then draw conclusions based upon what their therapists proposed, or they can take the information personally.
- When therapists find out that a client, or potential client, has acted in an intrusive or criminal manner in regard to online searching, they must think about the clinical, ethical and legal ramifications. Depending on the level of intrusion and criminality of the acts, therapists' responses may vary among a clinical discussion with the client of the meaning of the actions, to boundary setting interventions, to calling the police to report a crime. It is important that therapists seek expert consultations, if necessary, and appropriately document their concerns.
- Therapists must search themselves online periodically so they are aware of what their clients, and the rest of the world, may be privy to. When Googling themselves, therapists should use different combinations of name and degree, such as "Mark Smith," "Mark Smith, Ph.D.," "M. Smith," "Smith, M.," "Dr. Smith," etc. Use different search engines and find out if different information is revealed.
- Put your different phone numbers into Google or other search engines and see if private information, such as your home address, comes up.
- If, in your search, you find private information about yourself that you do not want to be public, or you find misinformation that you want to correct, find out how it got there and whether you can have it removed. (See more details on this issue in the next section, below.)
- You must realize that even if the information has been removed, it may be accessed by specialized Web sites or servers that keep archives of all past Web pages and postings, or by someone who downloaded it prior to its removal.

## What Psychotherapists Can Do To Delete Negative Or False Information From The Web

When psychotherapists find out that certain information, which reflects negatively on them, is posted online, there are several ways they can go about deleting it.

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**Identify The Nature of the Information:** There are many types of information that psychotherapists may want to have removed. These include:

- Correct but embarrassing information
- Slightly incorrect
- Incorrect facts
- Inflammatory or derogatory statement with clear intent to present the therapist in a negative light
- Defamatory statements and accusations
- Substantiated, known or easily verifiable, personal or professional facts
- Negative opinions from clients or other therapists about the therapist that were posted online
- Court rulings or ethics committees' evaluations posted online
- Misrepresentations or mischaracterization of the psychotherapists' writing, speech or clinical work

**Figure Out The Source:** There are many potential sources of information that psychotherapists may want to have removed. These include:

- Something that the psychotherapist him/herself posted online in a public or private posting. It may come from therapist's Web site, bloggs, chatrooms, listserves, etc.
- Information may come from an article or a book the therapist published.
- The information may represent an opinion by a colleague, client, ex-client, friend or family member of a client or ex-client.

## **Try To Resolve It:**

- Experts agree that, when appropriate, start with a simple, polite and amicable letter requesting from the author or the manager of the Web site to remove or amend the information. Remember that someone hostile may use such a letter against you or may even post it online. Construct the letter in a way that minimizes its potential to cause you more harm. You may want to state some things by phone rather than by email or letter.
- You can try to opt-out of any online data vendor websites where your personal information is contained. Some websites are more user-friendly and accessible than others. *Privacy Rights Clearinghouse*, a consumer protection organization, has listed most of the vendor's websites for easy opt-out information. <http://www.privacyrights.org/ar/infobrokers.htm>.
- FYI: Google merely indexes information on Web sites, so the responsibility to remove that information resides with the Web site owners/managers/servers. - If the person refuses to amend the posting, you may want to suggest that they at least allow you to offer rebuttal information as an addendum (somewhat like HIPAA allows a patient to amend their records).
- If the person still refuses to correct the information, you may consult with an attorney, who would examine whether the information crosses the line into libelous or defamatory conduct and may write a letter on your behalf. If the information was

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actually defamatory, you have legal grounds to demand its removal and the attorney may write a "cease and desist" letter to the owner of the Web site or Webmaster. If the owner of the Web site or Webmaster does not respond or comply, therapists may contact the server (ISP) of that site who may be mandated, in cases of liable or defamatory postings, to shut off the Web site altogether.

- In the cases where the therapist has placed the information online him/herself, it may be harder to remove. Still, try to explain your reasoning and, hopefully, it will not fall on deaf ears.
- Trying to remove negative information can get complicated, as one needs to remember that in many cases the more you make a stink about the material, the more attention you may draw to it. Thus it can be self-defeating if you want to protect your good name.

**Whom to contact:** Sometimes it is not clear who should be contacted when requesting changes or deletions to texts that are posted online. Following are some tips of identifying such contacts.

- Click on the listing to go to the Web site. If the author of the page is listed and an email is provided, obviously, this is the first place to go. If the author is not readily identify or the email is not available, usually at the bottom of every site is a link to the designer/Webmaster who you would contact regarding the problem.
- If the above does not produce satisfactory results, find out who owns the Web site by going to <http://www.networksolutions.com/whois/index.jsp> and typing the offending URL (Web address) into the box that says, "Find out who owns a domain name". Then click "Search Whois". You only type the domain name, not the http:// part, so if you were looking for your site, for example, you would just type in: xxx.com. That will bring up information regarding who owns the Web site (Registrant) and all other pertinent information.
  - "Registrant" is the one that owns the Web site.
  - "Administrative Contact" is the person who administers the Web site, often referred to as the Web master.
  - "Technical Contact" is usually the server's tech person, but not always.
  - Domain servers are the servers on which the domain resides.
- Start at the top and email or mail EACH one with your situation, requesting that the negative or defamatory information be removed from the Web site in question, until you get down to the "Domain servers".
- If you have no success, go to "Whois" again and type in the server, usually just the xxx.com and not the "ns" part (that just means this server at the ISP or that server). This will result in the contact information for the server/ISP and then contact them directly to have it removed.

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**Digital technologies have significantly increased therapists' transparency, which may have clinical, ethical or even legal significance.**

**Where to turn for help:** In recent years several commercial outfits have presented themselves as "Doctors Defenders." These companies promise to locate the information available on people online and also promise to make an attempt in correcting misleading or inaccurate information. One example, which I have not reviewed, of such an outfit, is [reputationdefender.com](http://reputationdefender.com).

You can also contact Google and fill out a form if you want to request removal from a search result.

**Responding to negative evaluation on Yelp.com:** There is a myth that psychotherapists are helpless when clients make negative, defaming, or inflammatory postings regarding therapists on web sites that are designed for customer feedback, such as [www.Yelp.com](http://www.Yelp.com). Instead, they should take the time to weigh the options and get informed first. While therapists cannot ethically solicit clients' testimonials, they can solicit testimonies from colleagues, supervisors, graduate school professors, and such. These positive evaluations may overshadow the negative ones. This is a way to bury unsavory content underneath new publications.

If the posting is more than just an opinion or other statement protected by free speech, but constitutes defamation, slander or libel, one may be able to contact Yelp and have them take it off. In such cases, one can even resort to legal action. Therapists are advised to be careful not to inflame the situation by protesting too loudly to the person who posted the negative evaluation. Do not respond impulsively and consult with experts before you take action.

## Summary

**In summary,** self-disclosure is a broad term that includes therapists' intentional and unintentional and witting and unwitting disclosures about their personal lives. Digital technologies have significantly increased therapists' transparency, which may have clinical,

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ethical or even legal significance. Therapists must remember that anything you write online as being tattooed on your forehead. This article summarizes the different forms of self-disclosure, which will hopefully help therapists map the range of ways that clients may be able to obtain information about them, and outlines some ways that therapists may think about, conceptualize and respond to these matters.

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