

# Data Privacy Notice



## How Does CBC Comply with Data Protection

### Terms of reference

This Data Privacy Notice details how I, Colin Beckwith, the Sole Trader of Colin Beckwith Counselling (CBC) as a 'Data Controller' will process the Personal Data of Clients. It outlines my legal responsibilities as CBC and your legal rights as a 'Data Subject' under the Data Protection Act 2018 (DPA 2018). The Act was instigated by a European Directive and adopted for permanent inclusion in UK Law.

Personal Data is any information relating to an identified or identifiable person. This 'natural person' is termed as the 'Data Subject'. And can be identified directly by name or indirectly via a Pseudonym. Personal Data as processed by CBC normally consists of general identification, clinical notes and sensitive health information. Where information can no longer identify an individual even indirectly, it is said to be Anonymous.

As a 'Data Controller' I am legally obliged to state the Lawful Basis on which I process your Personal Data. This allows CBC to undertake the 'processing' your Personal Data for legitimate and specific purposes. Processing is any method of organised data management and is what CBC undertakes.

My legal obligation under DPA 2108 is not dependant on any proposed change in status of the UK in relation to the European Union (Brexit), post 29 March 2019. This Privacy Notice is produced in accordance with the Information Commissioners Office (ICO) directives.

### Introduction

Your privacy is very important to me and you can be confident that your personal information will be kept safe and secure. It will only be used for the purpose to which it was given to me.

I adhere to current data protection legislation which includes:

- General Data Protection Regulation (GDPR) under the terms of EC Directive EU/2016/679)
- Data Protection Act 2018 in UK Law
- Privacy and Electronic Communications (EC Directive) Regulations 2003.

This privacy notice tells you what I will do with your Personal Data from initial point of contact through to after your therapy has ended.

## General outline of this Privacy Notice

- The Lawful Basis covering authorisation of CBC to process your Personal Data.
- The purpose for which I need your Personal Data.
- The terms relating to consent for CBC to process your Personal Data.
- How long I will retain your Personal Data.
- Whether there are Third Party recipients of your Personal Data.
- Whether I intend to transfer your Personal Data to another country.
- Whether I do automated decision-making or profiling.
- Your Personal Data protection rights.
- Use of CBC Website.

## General information

I am happy to discuss any queries you might have about my data protection policy and you can contact me via email at [colin@cbcounselling.com](mailto:colin@cbcounselling.com). The term 'Data controller' is used to describe the person or organisation that collects, stores and has responsibility for Personal Data. In this instance, the Data Controller is me. I am registered as such with the Information Commissioner's Office.

## My details as a Data Controller

Company Name: ..... Colin Beckwith Counselling

Trading Status: ..... Sole Trader

My ICO registration Number is: ..... ZA521684

My postal address is: ..... 15 Manor Farm Close

Havant

Hampshire

PO9 2DQ

My phone number is: ..... 07818 420 455 (mobile)

My email address is: ..... [colin@cbcounselling.com](mailto:colin@cbcounselling.com)

My website address is: ..... [www.cbcounselling.com](http://www.cbcounselling.com)

# My Lawful Basis for Holding and Using your Information

The General Data Protection Regulation (GDPR) states that I must have a Lawful Basis for processing your personal data.

My main Lawful Basis for processing your Personal Data is your Consent for me to do so. It is however, possible for me to have a Lawful Basis on other grounds. These will depend on the course of therapy at that particular point in time.

Other Lawful Basis are outlined below:

- I am deemed by the ICO to have a 'Legitimate Interest' in relation to your Personal Data when you make an enquiry to me about possible Counselling.
- I am deemed by the ICO to have a 'Legitimate Interest' in relation to your Personal Data during Ongoing Counselling.
- I am deemed by the ICO to have a 'Legitimate Interest' in relation to your Personal Data for a certain period after the Counselling concludes.
- As a Counsellor I am recognised by the ICO as a 'Health Professional' providing Counselling as a 'Health Treatment'. This gives me Lawful Basis to hold 'Special Category Data' such as basic healthcare information.

These are necessary in order to fulfil a contract between you as a Client and me as a Health Professional I.e. a Counsellor.

## The Lawful Basis of Consent

Consent is one of many possible reasons an organisation can have as a Lawful Basis on which to process Personal Data. I will ask for your consent to process your Personal Data beyond that associated with your initial enquiry. I will do this before we engage in any activity which will generate any further Personal Data. This applies once we have arranged for you to have Counselling and I will seek your written permission to process to do this. Consent is also due when any material changes are made to the way we are working with regard to the existing boundaries of confidentiality.

## How I Use your Information

### Initial contact as a self referral

When you contact me with an enquiry about Counselling I will collect information to help me satisfy your enquiry. I will hold only the Personal Data necessary under a legitimate interest to enable me to resolve your enquiry to your satisfaction. I will not process any data that is not necessary for the arrangement of our first potential meeting. Once we meet I would seek your consent to hold the Personal Data necessary to conduct your Counselling effectively.

## Client Personal Data I hold

- Name, Address and Telephone Number (mobile landline or both).
- Detail of Emergency Contact if disclosed by Client.
- Support Network if disclosed by Client.
- Email Address if disclosed by Client.
- GP; Name, Address and Telephone Number if disclosed by Client.
- Relevant Health and Medication if disclosed by Client.
- Session Notes Covering Assessments and Counselling Sessions.
- Agreements in Writing of Contractual and Therapeutic Nature.
- Agreements in Writing Concerning Professional Development.

## Referrals from other sources

Sometimes, a GP or other Health Professional may send me your details when making a referral enquiry. I will regard this as an enquiry within that setting's clinical duty of Confidentiality. This as a 'legitimate interest' will be regarded as a Lawful Basis to hold the relevant Personal Data until we meet. I will take this to mean that you have given your GP or Health Professional permission to contact me on your behalf. If you decide to engage in Counselling when we make contact I will collect and hold any additional Personal Data required after seeking your consent.

Someone known to you may make an enquiry on your behalf and disclose your details to me in good faith. However, I will not assume you have agreed to this disclosure. I will always ask if they have your permission. I will request to them, that you contact me directly to discuss any Counselling.

You may like to proceed with Counselling on the basis of a referral from a trusted person once we have contacted each other. In which case I will collect and hold any additional Personal Data required after seeking your consent.

## Treatment of Personal Data if Counselling does not proceed

If you decide not to have Counselling, any Personal Data I hold will be deleted after 6 Months have elapsed. However I will delete all your Personal Data generated immediately upon instruction to do so. I leave a delay of 6 Months in order to fulfil a legitimate interest in case you review your original decision and subsequently take up Counselling.

# While you are accessing Counselling

## Confidentiality

Everything you discuss with me is treated confidentially. In practice this means that Counsellor and Client operate in a specifically bounded circle of Confidentiality. The exact boundaries of confidentiality are dictated by the ethical codes of Professional Counselling. This makes it necessary to include experienced Counselling Professionals in that circle. Rarely more than 1 other party has a role in this and is called a Supervisor. Steps are taken to ensure the Data Subject is concerned cannot be readily identified in that setting. The arrangement exists to ensure that I am providing a safe, ethical and effective service to my Clients.

Confidentiality as exists in Counselling would only be broken in emergency circumstances. It is my policy to always discuss any potential need to make any emergency disclosure. However, sometimes it is possible that my legal obligations toward the Public Interest may hold me to disclose material without your consent.

## Records

I will keep a record of your personal details to help CBC run smoothly. Paper documents are kept securely in locked cabinets. Electronic documents are stored on an encrypted computer server which is only accessible by me. Documents and files containing direct indication of an individual's identity are not shared with anybody.

I will keep written notes of each Assessment and Counselling Session which are kept in a locked filing cabinet. I do not file Assessment records and Counselling session notes together. Counselling session notes are identified by a pseudonym. Whereas Assessment records will hold details of an individuals Identity.

## Clinical Will

If anything should affect my ability to process your Personal Data I have taken steps for a trusted Counselling Professional to take responsibility. This would occur upon my Death or Incapacitation. In this situation my designated Supervisor will have been empowered to ensure the safe, ethical and effective cessation of my work. The documentation necessary to allow this to happen is stored in a locked filing cabinet and constitutes a Clinical Will. Only myself and my Supervisor are aware of how to access the Clinical Will.

## Communications

For security reasons I do not retain mobile device text messages for more than 24 hours. Any relevant information contained will be transcribed into the appropriate paper document and stored in a locked filing cabinet.

Email correspondences arrive at colin@cbcounselling.com which has an encrypted mailbox that is only accessible by me. Where the Email contains information deemed relevant to our work together I will make a print. I will store the print in a locked filing cabinet and delete the original Email within 24 hours. It is not my policy to store Emails electronically for more than 24 hours.

## When and after Counselling has ended

Once counselling has ended your records will be kept for 6 years from the end of our work together. They are retained due to legal and professional obligations. Once these obligations have lapsed the Personal Data will be destroyed securely and confidentially. If you want me to delete your information sooner than this I will upon your instruction.

## Third Party Recipients of Data

It is a professional requirement that I pass on some historical practice data to third parties. As a member of BACP I am obliged to give evidence of my ongoing clinical experience. Data received by BACP as a Third Party will not identify an individual directly. I will ensure that any records or information will be given a pseudonym before they are disclosed to any Third Party.

Data or information may be relayed confidentially in other settings within the counselling profession. I will never disclose the identity of any individuals and I will render the information Anonymous.

## Transfer of Personal Data overseas

The operation of CBC takes place purely within UK boundaries and as such I have no need or intention to transfer any Personal Data overseas. I do not share information with any organisation that operates overseas and my associations as CBC within the Counselling Profession are all UK based.

## Automated processing of your Personal Data

Personal Data can be processed using an automated computer application such as a database. A database has the ability to perform basic analysis of Personal Data. The database I use at CBC is located on an encrypted computer server and is accessible only by me. It is used to enable efficient recording and retrieval of Personal Data. This is relevant to the day to day business administration of CBC and does not contain any sensitive healthcare information. It does not contain any Personal Data of clinical nature such as session related notes or narratives.

# Personal Data and your Rights

You have legal rights concerning how I process your Personal Data.

Your Legal Rights are:

- You have a right to ask me to delete your Personal Data at any time.
- You have a right to limit how I use your Personal Data.
- You have a right to stop me processing your Personal Data at any time.
- You have a right to ask me to correct any mistakes in your Personal Data
- You have a right to ask for a copy of any Personal Data that I hold.

The ICO gives you a right to object to the use of your Personal Data for some specific purposes. These can include processes not necessarily essential to the practice of a Counsellor as a Health Professional. It is my policy as CBC to only use your Personal Data in line with the Lawful Basis already specified. I will not use your Personal Data for Marketing or Advertising. You can read more about your rights at [ico.org.uk/your-data-matters](https://ico.org.uk/your-data-matters).

Where I do hold information about you I will:

- Give you a description of it and where it came from.
- Tell you why I am holding it, how long I will it, and the basis of this decision.
- Tell you who it could be disclosed to.
- Let you have a copy of the information in an intelligible form.

To make a request to obtain any Personal Data, please put the request in writing addressing it to [colin@cbcounselling.com](mailto:colin@cbcounselling.com).

## Complaints

If you wish to complain to me directly about how I handle your Personal Data please do not hesitate to get in touch by Post or Email. I welcome any suggestions that could lead to improvement in the way I process your Personal Data. Moreover, I highly value all feedback given and I strive to uphold a policy of continual improvement in all areas of CBC.

If you wish to make a formal complaint about the way I have processed your Personal Data you can contact the ICO which is the statutory body that oversees Data Protection law in the UK. Go to the ICO Website and the pages concerning formal complaints for more information.

## Data Security

I take the security of your Personal Data I process very seriously and I make concrete provisions to ensure its safety and integrity. I use locked and secure filing for paper records and an encrypted computer server for electronic records.

It is my policy as CBC to continually review current trends in data security methodology. I engage in continuous research in new practices whilst taking a robust approach to the maintenance of my existing systems.

As a Counsellor and Healthcare Professional I firmly regard Data Security as an ethical necessity that underpins Client confidentiality.

## CBC Website and Cookies

It is not my policy to use cookies that gather specific user identity on the CBC website. However, most websites will need to use cookies in order for them to operate successfully. These are a necessary component of a well designed and smooth functioning website. The CBC website has cookies to aid its function although it is possible for you to switch them off.

I do not use any cookies that are intended to gather information that could be used for advertising or marketing purposes.

No cookies are added with the intention of gathering Personal Data as defined by GDPR, DPA 2018 or the ICO. The existence of a 'cookie warning' on the CBC website is made purely on the basis of giving complete transparency.

Please see [www.cbccounseling.com](http://www.cbccounseling.com) for specific information regarding the use of cookies and how to switch them off.