



Chala Counselling and Psychotherapy

Data Protection Policy (Internal) inc Security Policy

Created on 28/05/2020

*www.chalapsyhotherapy@gmail.com
Office 7 Kildean Business and Enterprise Hub. 146 Drip Road. Stirling. FK8 1RW*

Chala Counselling and Psychotherapy

Data Protection Policy

Introduction

Chala Counselling and Psychotherapy needs to gather and use certain information about individuals.

These can include customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact.

This policy describes how the personal data must be collected, handled and stored to meet the company data protection standards to comply with the law.

Why this policy exists

This data protection policy ensures Chala Counselling and Psychotherapy:

- Complies with data protection law and follows good practice
- Protects the rights of staff, customers and partners
- Is open about how it stores and processes individual's data
- Protects itself from risks of a data breach

Scope

This policy applies to all staff and associates of Chala Psychotherapy. You must be familiar with this policy and comply with its terms.

We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

Who is responsible for this policy?

As Data Protection Officer, Hannah MacIntosh has overall responsibility for the day-to-day implementation of this policy.

Definitions

Personal data means data which relates to a living individual who can be identified. For example: Full Name, phone number and job title, email address and company name.

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

Sensitive personal data means personal data consisting of information as to -

- (a) the racial or ethnic origin of the data subject,
- (b) his/her political opinions,
- (c) his/her religious beliefs or other beliefs of a similar nature,
- (d) whether he/she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his/her physical or mental health or condition,
- (f) his/her sexual life,
- (g) the commission or alleged commission by him/her of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings.

Our Procedures

Fair and lawful processing

We must process personal data fairly and lawfully in accordance with individuals' rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening.

Responsibilities of the Data Protection Officer (DPO)

- Keeping the management team updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Ensuring all staff are aware of this policy and offer advice for all staff members and those included in this policy
- Answering questions on data protection from staff, board members and other stakeholders
- Responding to individuals such as clients and employees who wish to know what data is being held about them
- Checking and approving with third parties that handle the company's data any contracts or agreement regarding data processing
- Ensure all systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services the company is considering using to store or process data
- Approving data protection statements attached to emails and other marketing copy
- Addressing data protection queries from clients, target audiences or media outlets
- Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the company's Data Protection Policy

The processing of all data must be:

- Necessary to deliver our services
- In our legitimate interests and not unduly prejudice the individual's privacy
- In most cases this provision will apply to routine business data processing activities

Our Terms and Conditions contains a Privacy Policy Notice to clients about data protection.

The notice:

- Sets out the purposes for which we hold personal data on customers and employees
- Provides that customers have a right of access to the personal data that we hold about them

This notice can be found at www.chalapsychotherapy.co.uk

Sensitive personal data

In most cases where we process sensitive personal data we will require the data subject's explicit consent to do this unless exceptional circumstances apply or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any

Chala Counselling and Psychotherapy

such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

Accuracy and relevance

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO, Hannah MacIntosh

Your personal data

You must take reasonable steps to ensure that the personal data we hold about you is accurate and updated as required. For example, if your personal circumstances change, please inform the Data Protection Officer so that they can update your records.

Data security

You must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

Storing data securely

- Data should be where possible stored digitally and be held on the client management system BacPac. More details can be found <https://bac-pac.co.uk/security/> Mayden, the company behind **bacpac** has over a decade of experience handling confidential patient data. **Mayden** is ISO 27001:2013 accredited. This internationally recognised information security management standard ensures that a business has stringent processes in place to ensure data confidentiality and to identify, manage and reduce risks to information security.
- If this is not possible the data should be protected by strong passwords that are changed regularly
- In cases when data must be stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
- Printed data should be shredded when it is no longer needed
- Data should be regularly backed up in line with the company's backup procedures
- Data should never be saved directly to mobile devices such as tablets or smartphones, Clouds should be used if access is required on such a device
- All servers containing sensitive data must be approved and protected by security software and strong firewall. Servers containing personal data must be kept in a secure location, away from general office space.

Data retention

We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, considering the reasons that the personal data was obtained, but should be determined in a manner consistent with our data retention guidelines.

Chala Counselling and Psychotherapy

Subject Access Requests

Please note that under the Data Protection Act 1998 and GDPR 2018, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If you receive a subject access request, you should refer that request immediately to the DPO. We may ask you to help us comply with those requests.

Please contact the Data Protection Officer if you would like to correct or request information that we hold about you. There are also restrictions on the information to which you are entitled under applicable law.

Processing data in accordance with the individual's rights

Chala Psychotherapy will not use personal data for any marketing purposes.

You should abide by any request from an individual not to use their personal data for direct marketing purposes and notify the DPO about any such request.

Do not send direct marketing material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services being marketed.

Please contact the DPO for advice on direct marketing before starting any new direct marketing activity.

GDPR Provisions

Where not specified previously in this policy, the following provisions will be in effect on or before 25 May 2018.

Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. The following are details on how we collect data and what we will do with it:

What information is being collected?

Who is collecting it?

How is it collected?

Why is it being collected?

How will it be used?

Who will it be shared with?

Identity and contact details of any data controllers

Details of transfers to third country and safeguards

Retention period

This information is all contained on our privacy policy laid out at

<https://www.chalapsychotherapy.co.uk/privacypolicy>

Consent

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time. Consent is received verbally, via a 'send/submit' button on a web form or replying to an email.

Data portability

Chala Counselling and Psychotherapy

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. A removal request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

Data audit and register

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the ICO of any compliance failures that are material either or as part of a pattern of failures

Monitoring

Everyone must observe this policy. The DPO has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

Consequences of Failing To Comply

We take compliance of this policy very seriously. Failure to comply puts both you and the organisation at risk.

The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal. A solicitor in breach of Data Protection responsibility under the law or the Code of Conduct may be struck off.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.

Retention Guidelines

Chala Counselling and Psychotherapy

You can request a copy of our retention guidelines from the DPO.

Privacy Policy (Externally located at <https://www.chalapsychotherapy.co.uk/privacy-policy>)

Any personal data provided by you to the Chala Counselling and Psychotherapy through any means (verbal, written, in electronic form, or by your use of our website) will be held and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force for the purposes for which you have given consent, to provide the services you have requested from us, and to meet the legitimate interests.

Who we are?

Chala Counselling and Psychotherapy is committed to ensuring the privacy and security of your personal data.

The following Privacy Policy explains what personal data we collect from you, including how and why we process the data, who we share it with and your rights and choices when it comes to your personal data.

We are a counselling and psychotherapy company run by a qualified therapist. All therapists working within the service are registered with the British Association for Counselling and Psychotherapy (BACP).

Chala Counselling and Psychotherapy is the data controller of your personal data. Our website address is: <https://www.chalapsychotherapy.co.uk>

What Information we collect

In order to manage enquiries and offer our services, we process the data collected for legitimate business interests and to enable us to access the information and provide the relevant service, if required. This is a legal requirement and is gained with your consent.

The information we collect is

- Name
- Address
- Date of Birth
- Telephone Number
- Email address
- Relevant Medical history
- GP details
- Emergency contact information
- Payment method
- Relevant clinical notes

Sensitive personal data

It would benefit you to notify us of any health condition, disability, treatment history and/or personal information relating to your private life that may impact on the services we offer. This will allow us to take reasonable steps to accommodate your needs or requirements and to deliver our services.

Chala Counselling and Psychotherapy

We will require your explicit consent to process this information unless the processing of this data is deemed to be in your 'vital interest'. This information will be used by us to assist you and will be kept as long as it is required for this purpose.

How we collect your information

We may collect your information when:

- You call the clinic
- You email the clinic
- Authorised third parties
- At the time of referral
- At the time of assessment
- During and throughout the duration of the relationship and at the end of the relationship

The data we generally process is not publicly available, however, we may obtain information from other third parties where you have consented for those third parties to share your data or where there is a legitimate interest to do so. For example, if you have requested a referral be made to the service.

Our use of your data will be to allow us to supply our services, ensure your contractual obligation is met and to protect your vital interests. This includes:

- Providing your treatment
- Creating your medical record and history notes
- Checking your professional registration status (if you are training or working with us)
- Ensuring your treatment is safe
- Making reasonable adjustments
- Providing healthcare professionals with information about treatment where this is vital to your health
- Statistical analysis

The processing of your data is necessary for the performance of the contract you entered into with us.

How we store your data

All customer data is stored on <https://bac-pac.co.uk> or within our offices in locked filing cabinets with restricted access. We regularly audit the data we hold and destroy securely according to our retention schedule.

Sharing your data

All the personal data we hold about you will be processed within the EU.

We may disclose information if there is an issue of child or adult protection, or if required to do so by law.

Chala Counselling and Psychotherapy

Retaining your data

We will retain your data for 5 years after our services have finished, after which time it will be deleted or anonymised if it is no longer required for the lawful purpose for which it was obtained. However, the retention period will depend on the purpose it was collected. For further information on our retention guidelines please get in touch.

Marketing

We will not contact you for marketing purposes.

We will never pass your data onto a third party for marketing purposes.

Your rights

Under data protection legislation you have several rights regarding the use of your personal data, as follows:

- If at any point you wish to either confirm whether your personal data is being processed and/or you require access to the data we hold on you, you can request to see this information.
- You also have the right for certain data you have provided us with to be provided to you in structured and commonly used electronic format (for example, a Microsoft Excel file), so that you can move, copy or transfer this data easily to another data controller.
- You are entitled to have data corrected if it is inaccurate or incomplete.

How to complain about the use of your data

If you wish to raise a complaint about how we handle your personal data, including in relation to any of the rights outlined above, you can contact us at www.chalapsychotherapy.co.uk or write to us at Chala Psychotherapy. Office 7 Kildean Business and Enterprise Hub. 146 Drip Road. Stirling. FK8 1RW and we will investigate your concerns.

If you are not satisfied with our response, or believe we are processing your data unfairly or unlawfully, you can complain to the Information Commissioner's Office (ICO). You can find further information about the ICO and their complaints procedure here:

<https://ico.org.uk/concerns/>

Website Cookies

Browser cookies

We collect cookies to allow us to measure and analyse the behaviours of our website visitors. Individual user data is not stored and, once the statistical information has been analysed, it is removed from the system.

Web browser cookies

If you don't want to receive cookies, you can modify your browser so that it notifies you when cookies are sent to it or you can refuse cookies altogether. You can also delete cookies that have already been set.

If you wish to restrict or block web browser cookies which are set on your device then you can do this through your browser settings; the Help function within your browser should tell you how. Alternatively, you may wish to visit www.aboutcookies.org, which contains comprehensive information on how to do this on a wide variety of desktop browsers.

Chala Counselling and Psychotherapy

Links to other sites

This website contains links to external websites. Privacy policies on these sites may vary and, as such, we are not responsible for the content or privacy policies of these sites.

Changes and compliance

This policy is monitored and update on a regular basis and is fully compliant with the General Data Protection Regulations 2018 (DPA 2018).

We may make changes to this Privacy Policy from time to time to reflect changes to our website. As a result, you should visit this page periodically to keep up to date with changes.

Get in touch

If you have any questions about your personal data which are not answered by this Policy, please contact our Data Protection Officer:

Hannah MacIntosh

chalapsychotherapy@gmail.com