**GDPR Data Protection Please also see Counselling Agreement**

**(Privacy Statement and Information)**

**GDPR is Data protection by design and by default. Privacy and data protection compliance have always been a high priority now GDPR makes it a legal requirement.**

The General Data Protection Regulation is an EU legislation 2016 affecting Data Protection and how we collect store and use it – providing us with a framework.

It is similar to but enhances the Data Protection Act 1998 and changes the focus to enhance your rights-taking account of advances in technology and storage devices etc.

GDPR states data should be processed fairly and lawfully obtained for lawful purpose adequate and not excessive, accurate and retained for no longer than necessary.

Data should be processed in accordance with the rights of the data subject and secured against breaches loss or destruction. It won’t be transferred outside the jurisdiction (Europe).

**Claire McCluskey Privacy Statement**

 **What you need to know-**

I need to tell you what I do with your information in my role as counsellor/supervisor and Data Controller and Processor.

I need to explain *why* I store your data *how* I hold this and for *how long* and your right to complain to ICO if you feel there is a problem in how you feel I store your data.
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>

I am a data controller and processor under GDPR and registered with ICO <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/documentation/what-s-new-under-the-gdpr/>

GDPR relates to EU Citizens information it’s a new EU privacy Law which is enforceable from *May 25 2018*.

It concerns data- in ANY form e.g. on paper, drives or devices.

As a data controller I gather, record, Process -store and destroy personal data and by doing so I need to meet some requirements.

Information Commissioners Office (ICO) states that accountability is central to GDPR (General Data Protection Regulation).

Data controllers are responsible for compliance with the principles and must be able to demonstrate this to data subjects and the regulator (ICO).

**The information I am collecting-**

* Data is personal information which can identify an individual.
* As a counsellor I collect *sensitive personal data* – client information contact information personal detail and story e.g. on mental health history or relational or sexual history criminal offences or convictions.
* This means there are enhanced requirements to add regarding security and consent.
* I hold contact data on laptop and phone (email address telephone number)
* I hold clinical notes on paper only – I will review and update annually to destroy notes (shedding and or burning which are no longer needed to be held).
* All client information is regarded as confidential by me.
* Client information will not be used for any purpose other than authorised.
* Only Information whose need can be justified is accessed e.g. for the purposes of administration assessment and treatment.
* Passwords are not shared e.g. email access or mobile phone access.
* Contact information Data is protected by a Case Number and clinical notes will be held under this number.

Serious breaches of confidentiality involving sensitive personal information may result in legal proceedings being instigated by data protection legislation (ICO).

Consent to data collection and processing by a client needs to be explicit and signed so you will be asked to read and agree for me to process your data to provide counselling.

Where I do EAP (Employee Assistance Program) work they have their own system of storage or notes and they and I can let you know about this.

**GDPR states Personal data should be:**

A             Processed lawfully, fairly and in a transparent manner.

B             Collected for specified explicit and legitimate purposes.

C             Adequate relevant and limited to what is necessary.

D             Accurate and where necessary kept up to date.

E              Kept in a form which permits identification of data subjects for no longer than is necessary for the

purposes for which those data are processed.

F              Processed in a manner that ensures appropriate security of the personal data. This

 includes retention and destruction processes for information.

**Why I’m collecting your data/ My legal basis for data processing. (Contract & Consent)**

My justification (legal basis) for gathering data is that I need to gather data necessary for the fulfilment of a contract (please also see Counselling Agreement).

* I also hold data as long as needed in order to contact you to set up a session or change any arrangements, to take a history of relevant information to develop a treatment plan for counselling with you.
* I need your *explicit consent* for this managing of data. (see agreement).
* You have the right to expect the highest level of confidentiality regarding your information.

**How I will use your data-** in carrying out what is required to provide my counselling service to you.

This information refers to the acceptable use of systems, my responsibility and any possible consequence of a breach of confidentiality.

I don’t do any marketing re a client database. I don’t sell on private information and won’t share with third parties unless there is a safety/ethical risk issue. (See Agreement/Contract)

I don’t share with third parties unless there is a *risk issue* and we will discuss this first please (see contract for disclosure of confidentiality /safety issues only).

You will see and sign this in our agreement at the beginning of any work we do together.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

**Your 6 Rights under GDPR**

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/>

**·         You have the right to be informed** of how data is collected stored and

managed (protected and processed)

·         You have **the right to access**

·         You have the **right to rectification** /review data and understand how it is

 stored and used. You have the right to correct personal data.

·         You have the right to **restrict processing**

·         The **right to stop data processing (eurasure)**

·         The  right to **data portability** (refers to personal data by automated means-

 devices)

·         The **right to object**

·         The **right not to be the subject of automated decision making including**

 **Profiling**

You have a right to access data within a month of request this will be free of charge

You have a right to complain to ICO if you think there is a problem with the way I handle your data.

**How will your data be recorded and stored?**

**(And what happens re Data Breaches)**

I will have systems in place to ensure as much safety as possible for no data to breach.

* My laptop is password protected only to me and only for work.
* I keep paper notes which are locked in a filing cabinet in my home and accessible by a key I keep.
* I have a work phone separate from personal so information is only saved on first name and held as long as it is necessary to contact I will not hold onto your information longer than is necessary.
* Texts and emails are not currently encrypted I endeavour only to use text and email for practical purposes e.g. to arrange appointment or sometimes send self-help material or links but I will check with you beforehand to ensure this is okay with you.
* If I discover a data breach I will inform ICO within 72 hours and/or affected individuals if a breach happens, going on ICOs recommendations.
* A counsellor needs to retain clinical notes for defensive purposes in case of a complaint according to my professional/clinical insurance guidance. (Up to 7 years).
* You have the right not to be contacted by me after our work together has ended which I do not normally do.
* Tower gate my indemnity insurance recommend holding contact information in emails and phone number or 6 months after works completion.
* I keep clinical notes in paper form which I hold for up to 7 years from the end of our work together.
* Any enquiries by phone or email that do not progress to an assessment I shall keep for 6 months.

If you wish to complain about how I use your data. <https://ico.org.uk/concerns>

You also have right to access <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

You can request in writing to the ICO and I need to ensure the person requesting is you. In the case of couples therapy if only one partner requests safeguarding issues may need to be taken into account.

Please also see Counselling Agreement which explains consent and complaint of contract or clinical issue procedure is through supervisor and professional body.

My retention cycle is – I will keep notes for up to **7 years** and then destroy by shedding and or burning.

Any **enquiries by phone or email** who do not progress to an Assessment and or ongoing work I will keep data for **6 months.**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>