Debbie Wilson Therapy

Counselling that is tailored to suit the unique needs of every client whilst ensuring that your healing process remains fully within your control, every step of the way.

Data Protection Policy (GDPR)

 

|  |  |  |
| --- | --- | --- |
| **Version** | **Date** | **Reviewer** |
| 001 | 01/08/2023 | Debbie Wilson |
| 002 |  |  |
| 003 |  |  |
| 004 |  |  |
| 005 |  |  |
| 006 |  |  |

Therapist: Debbie Wilson (Dip CST Prof Dip PC and EFT Practitioner)

# 1. Aims

Debbie Wilson Therapy aims to ensure that all personal data collected from clients is collected, stored and processed in accordance with the [General Data Protection Regulation (GDPR)](http://data.consilium.europa.eu/doc/document/ST-5419-2016-INIT/en/pdf) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the [Data Protection Bill](https://publications.parliament.uk/pa/bills/cbill/2017-2019/0153/18153.pdf).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

# 2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner’s Office (ICO) on the [GDPR](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/) and the ICO’s [code of practice for subject access requests](https://ico.org.uk/media/for-organisations/documents/2014223/subject-access-code-of-practice.pdf).

It also reflects the ICO’s [code of practice](https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf) for the use of surveillance cameras and personal information.

# 3. Definitions

|  |  |
| --- | --- |
| **Term** | **Definition** |
| **Personal data** | Any information relating to an identified, or identifiable, individual.This may include the individual’s: * Name (including initials)
* Identification number
* Location data
* Online identifier, such as a username

It may also include factors specific to the individual’s physical, physiological, genetic, mental, economic, cultural or social identity. |
| **Special categories of personal data** | Personal data which is more sensitive and so needs more protection, including information about an individual’s:* Racial or ethnic origin
* Political opinions
* Religious or philosophical beliefs
* Trade union membership
* Genetics
* Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
* Health – physical or mental
* Sex life or sexual orientation
 |
| **Processing** | Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.  |
| **Data subject** | The identified or identifiable individual whose personal data is held or processed. |
| **Data controller** | A person or organisation that determines the purposes and the means of processing of personal data. |
| **Data processor** | A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller. |
| **Personal data breach** | A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. |

# 4. The data controller

Debbie Wilson Therapy processes personal data relating to clients and therefore is a data controller.

Debbie Wilson Therapy is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

# 5. Roles and responsibilities

This policy applies to **all staff** including volunteers employed by Debbie Wilson Therapy and to external organisations or individuals working on our behalf.

**5.2 Data protection officer**

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

The DPO is also the first point of contact for individuals whose data is processed, and for the ICO.

Full details of the DPO’s responsibilities are set out in their job description.

Our DPO is Debbie Wilson and is contactable via 07368 813 477 debbie@debbiewilsontherapy.co.uk

# 6. Data protection principles

The GDPR is based on data protection principles that our Debbie Wilson Therapy must comply with.

The principles say that personal data must be:

* Processed lawfully, fairly and in a transparent manner
* Collected for specified, explicit and legitimate purposes
* Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
* Accurate and, where necessary, kept up to date
* Kept for no longer than is necessary for the purposes for which it is processed
* Processed in a way that ensures it is appropriately secure

This policy sets out how the Debbie Wilson Therapy aims to comply with these principles.

# 7. Collecting personal data

**7.1 Lawfulness, fairness and transparency**

We will only process personal data where we have one of 6 ‘lawful bases’ (legal reasons) to do so under data protection law:

* The data needs to be processed so that Debbie Wilson Therapy can **fulfil a contract** with the individual, or the individual has asked before entering into a contract
* The data needs to be processed to **comply with a legal obligation**
* The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone’s life
* The data needs to be processed so that Debbie Wilson Therapy can carry out its official functions
* The individual (or their parent/carer when appropriate in the case of a child) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to young people we will get parental consent.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

**7.2 Limitation, minimisation and accuracy**

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Debbie Wilson Therapy must only process personal data where it is necessary in order to do their jobs.

When viewed that the data is no longer needed, Debbie Wilson Therapy must ensure it is deleted or anonymised.

# 8. Sharing personal data

We will not normally share personal data with anyone else, except in the the case of exceptional circumstances made aware to the client in their contract.

* There is an issue with a child or parent/carer that puts the safety of Debbie Wilson Therapy at risk

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

# 9. Subject access requests and other rights of individuals

**9.1 Subject access requests**

Individuals have a right to make a ‘subject access request’ to gain access to personal information held about them. This includes:

* Confirmation that their personal data is being processed
* Access to a copy of the data
* The purposes of the data processing
* The categories of personal data concerned
* Who the data has been, or will be, shared with
* How long the data will be stored for, or if this isn’t possible, the criteria used to determine this period
* The source of the data, if not the individual
* Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:
* Name of individual
* Correspondence address
* Contact number and email address
* Details of the information requested

**9.2 Responding to Subject Access Requests**

When responding to requests, we:

* May ask the individual to provide 2 forms of identification
* May contact the individual via phone to confirm the request was made
* Will respond without delay and within 1 month of receipt of the request
* Will provide the information free of charge
* May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose the information if it:

* Might cause serious harm to the physical or mental health of the pupil or another individual
* Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child’s best interests

A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

**9.3 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

* Withdraw their consent to the processing at any time
* Ask us to rectify, erase or restrict the processing of their personal data, or object to the processing of it (in certain circumstances)
* Prevent processing that is likely to cause damage or distress
* Be notified of a data breach in certain circumstances
* Make a complaint to the ICO

Individuals should submit any request to exercise these rights to the DPO.

# 10. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

* Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
* Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
* Integrating data protection into internal documents including this policy, any related policies and privacy notices
* Regularly training updates on data protection law, this policy, any related policies and any other data protection matters;
* Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant

# 11. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

* Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
* Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices

# 12. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files.

# 13. Training

Data protection will also form part of continuing professional development, where there are changes to legislation.

# 14. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated, if necessary, when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affects Debbie Wilson Therapy Otherwise, or from then on, this policy will be reviewed annually