

CLEARVIEW PSYCHOLOGY GDPR PRIVACY NOTICE

The GDPR and Data Protection Act 2018 replaces the Data Protection Act 1998 with an updated and strengthened data protection framework.

Definitions

The GDPR applies to '*personal data*'. This means data which relate to a living individual who can be identified from these data, or from other information which is in the possession of, or is likely to come into the possession of, the data controller. Personal data include, for example, name, NHS Number, or a computer IP address. Personal data which reveal the health status of an individual are '*special category*' data under the GDPR. This includes computerised and paper records.

Asking for a client's consent to disclose their personal data shows respect and is part of good communication between clinicians and clients. Consent may be explicit or implied:

- a. *Explicit (also known as express) consent* is given when a client actively agrees, either orally or in writing, to the use or disclosure of information. This is the usual basis for sharing information and is discussed at initial assessment appointment.
- b. *Implied consent* refers to circumstances in which it would be reasonable to infer that the client agrees to the use of the information, even though this has not been directly expressed. (e.g. client agreement to referral to another clinician implies consent to sharing relevant information; records audit by Clearview Psychology).

PRIVACY NOTICE – GDPR

This is a Privacy Notice, also known as a Fair Processing Notice. It should not be confused with the Website Privacy Statement (see below), which concerns the use of this website. It describes how Clearview Psychology uses and manages the personal data it holds about its clients, including how the personal data may be shared with NHS or non-NHS organisations, and how the confidentiality of client's personal data is maintained.

Clearview Psychology holds personal data about its clients for the purposes of providing them with appropriate care and treatment. Clearview Psychology keeps records about psychological, including psychometric, assessments and treatment it provides to its clients. This helps to ensure that clients receive the best possible care from Clearview Psychology.

Lawful basis for collecting your personal data

The GDPR creates a lawful basis for processing '**special category**' health data when it is for the provision of direct care that does not require explicit consent: where 'processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, **medical diagnosis, or the provision of health care treatment.**' GDPR Article 9 (2) (h).

What kind of personal data does Clearview Psychology hold about clients?

- Identity details – name, date of birth
- Contact details – address, telephone, email address.
- Contact details of a client identified emergency contact
- Results of assessments (including psychometrics, clinical information, personal and medical history) and associated reports
- Therapy records (therapist notes, letters, reports and outcome measures)
- GP practice and health professional referrer details and referral information.

Identity and contact details are gathered at first telephone contact and during initial assessment appointment. These are held securely within our online Practice Management Software (PowerDiary) along with clinical history information gathered during interview and further consultation over the course of intervention. Reports and worksheets completed by clients during therapy are stored electronically on a double encrypted cloud based platform called Sync. The information on both of these third-party servers (PowerDiary and Sync) are protected with two factor authentication. A record of all persons making enquiries and the nature of

their enquiry is kept electronically and password protected for audit purposes but details of their enquiry (e.g., problem history) are erased after 1 month if no further contact is made.

If you are referred by your health insurance provider, Clearview Psychology will also collect, and process data provided by that organisation. This includes basic contact information, referral information and health insurance policy number and authorisation for psychological treatment. If you wish to pay for your treatment by debit/credit card, these details can be stored securely within PowerDiary for convenience and processed using a licenced payment software called Stripe. If you pay by bank transfer, the details of your payment will be recorded in our banking records which are shared with our accountants in the preparation of financial accounts.

By providing Clearview Psychology with their contact details, clients are agreeing to Clearview Psychology using those channels to communicate with them about their healthcare, i.e., by letter (postal address), by voice-mail or voice-message (telephone or mobile number), by text message (mobile number) or by email (email address, emailed reports are password protected). Please inform us if you have concerns regarding other people (e.g., people you live with) accessing messages.

How are client records shared?

Common reason for Clearview Psychology to share client records:

We take the privacy and confidentiality of your information very seriously.

Information disclosed to your psychologist is confidential and not shared with anyone else without your explicit consent. The only exceptions to this relate to management of risk. If it is felt that you are a risk to yourself and/or others, or a safeguarding concern arises, it is our legal duty to share information with relevant services. Where possible this will be discussed with you first. Client cases are also discussed in clinical supervision with a senior clinician to optimise care provision. If your psychologist becomes unexpectedly unavailable (e.g., due to serious injury) this supervisor will be able to contact you to discuss onward care planning.

Very uncommon or rare reasons to share client records:

Disclosure to bodies with statutory investigative powers - e.g. the Care Quality Commission, Health Care Professionals Council, the BPS, the Audit Commission, the Health Service Ombudsman.

Disclosure to solicitors, to the police, to the Courts (including a Coroner's Court), and to tribunals and enquiries.

You can ask to review the personal information held on you at any time. Subject access requests are processed as quickly as possible and always within a month of application.

Declining consent for sharing personal data (right to object)

In those instances where the legal basis for sharing of confidential personal data relies on the client's explicit or implied consent, then the client has the right at any time to object to the information sharing. However, this is unlikely to be the case in a healthcare setting, as healthcare practitioners usually have compelling legitimate grounds for processing the personal data of their client (see legal basis above). If a client has concerns over sharing their personal data with others who are providing their care, then these can be discussed with your psychologist and an agreement as to what information needs to be shared to optimise care.

How long are records retained?

All client records are destroyed in accordance with the NHS Retention Schedule, which sets out the appropriate minimum length of time each type of NHS records is retained. Clearview Psychology does not keep client records for longer than necessary. All records are destroyed securely once their retention period has been met and if Clearview Psychology has made the decision that the records are no longer required.

All records for children and young people should be retained until the client is 25 (or 26 if they are 17 when treatment ends) or eight years after their death, if sooner.

The standard minimum data retention period for adults is 8 years.

Retention of records for clinical purposes can be for as long as there is a clinical need to hold the records.

For adult records, after 20 years there will be an appraisal as to the historical importance of the information and a decision made as to whether they should be destroyed or kept for archival value (i.e. would the records be useful for comparison with subsequent assessments).

Right to erasure ('right to be forgotten')

The right to erasure applies only in specific circumstances, for example, when the processing is no longer necessary or when the processing has been unlawful.

Website Privacy

Clearview Psychology website (www.clearviewpsychology.co.uk) does not use or retain personally identifiable information on those accessing the website. Cookies are used to analyse website traffic and optimize your website experience. By accepting our use of cookies, your data will be aggregated with all other user data. You will be given the option to decline this tracking when you first visit the site.

Who is the data controller?

Dr. Neil Carrigan, Chartered Clinical Psychologist, HCPC (PYL3109)

Registered with the Information Commissioner's Office as a data controller ZB203111, as required by the Data Protection Act 1998. Care provision and data management is in line with British Psychological Society 'Practice Guidelines' (bps.org.uk) and Health and Care Professions Council (hpc-uk.org) Guidelines.

Raising a concern

Clients who have a concern about any aspect of their care or treatment should contact Clearview Psychology directly (see contact details at www.clearviewpsychology.co.uk ; neil@clearviewpsychology.co.uk, (m) 0780 123 2979).

Additionally, clients have the right to complain to the Information Commissioner if they should ever be dissatisfied with the way Clearview Psychology has handled or shared their personal data:

The Information Commissioner's Office (ICO)

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 or 01625 545745

Information Commissioner's Office website (www.ico.org.uk)