

## Privacy Policy

**Introduction & Description** – This policy defines the legal basis for processing and sharing privileged personal and sensitive information held and processed by Rowley Clinical Neuropsychology Services Ltd (RCNS Ltd) relating to information stored, processed and shared by RCNS Ltd regarding all employees, Associates, customers and the personal medical records of our customer’s clients.

### 1. Definitions

**For the purpose of this policy the following definitions apply:**

- **RCNS Ltd** means Rowley Clinical Neuropsychology Services Ltd, any reference to RCNS Ltd within this policy refers to the legally established company of Rowley Clinical Neuropsychology Services Ltd which is listed on with Companies House under reference 13832672.
- **Company head office** means RCNS Ltd, C/O Taxevo 1 Cedar Office Park, Cobham Road, Ferndown Industrial Estate, Wimborne, England, BH21 7SB.
- **Associates** means qualified clinical psychologists who provide psychology services on the case that are legally separate trading entities (either self-employed sole traders or limited companies) that are appointed by RCNS Ltd to provide psychology services.
- **GDPR** means General Data Protection Regulation (GDPR) (EU) 2016/679 which is a regulation in EU law on data protection and privacy for all individuals within the European Union.
- **DPA** means Data Protection Act 1998.
- **EU** means European Union and current and future member countries including the UK pre/post departure from the union.
- **Data subject** means an individual who is the subject of personal data. In other words, the data subject is the individual whom particular personal data is about.
- **Data controller** is a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data is, or is to be, processed.
- **Data processor** in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
- **Processing** in relation to information or data means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data.
- **Client** means the individual named as the data subject by the data controller and the individual that the required medical report relates to.
- **Customer** means the entity that has commissioned the report and/or psychology services concerning the data subject (client) and which has full legal authority to do so.
- **PIA** means privacy impact assessment.

- **Breach** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.
- **Individual rights** mean the 8 rights for individuals as set out in the GDPR.
- **Personal Data** means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. As defined by the GDPR.
- **Sensitive Personal Data** means the data as defined by Article 9 of the GDPR.

## 2. Acknowledgments

RCNS Ltd recognises all rights and responsibilities provided for in the DPA and GDPR legislation.

## 3. Privacy Statement

RCNS Ltd respects privacy and will only use information shared with us for the specified and lawful purposes as provided for under the GDPR. RCNS Ltd will use and process your information responsibly and will take all appropriate organisational and technical measures to safeguard your information from accidental or unlawful destruction, loss, alteration, unauthorised disclosure, or access.

RCNS Ltd will share personal and sensitive information that is collected by RCNS Ltd with the data controller, client, case manager, relevant clinical professionals, instructing solicitor, appointed deputy and with family members.

RCNS Ltd will not share information for any purpose other than the specific purpose it was shared with RCNS Ltd. Information regarding what information is shared is detailed in sections 6 to 8 of this policy.

At no time now or in the future will RCNS Ltd share personal information with any 3rd party for the purpose of marketing, advertising, or statistical analysis.

## 4. Data Processing

During the course of providing services to clients, the following personal information may be processed by RCNS Ltd:

- Associate personal information
- Customer personal information
- Client personal information and medical records
- Website cookie policy

The information processed may be in many different forms and this policy covers data of all types. This includes but is not limited to:

- Emails
- Letters
- Medical records
- Text messages
- IM messages

- Application forms
- Certificates
- Photographs
- Medical scans

## **5. Privacy Impact Assessments**

RCNS Ltd has deemed it necessary to conduct a Privacy Impact Assessment in regard to the processing of client information.

## **6. Associates' Personal Information**

**6.1 Lawful basis for processing** - where personal information is collected about Associates, RCNS Ltd is defined as the data controller and our lawful basis for processing personal and sensitive information is the performance of a contract between RCNS Ltd and our customers. Associates' personal information is processed in respect of providing services to RCNS Ltd's customers, to ensure the provision of services and for the processing of invoices and payments.

**6.2 Data collected** – The following list is an example of the data that is collected and processed regarding all Associates working with RCNS Ltd:

- Name, address, email address and contact telephone numbers.
- Company contacts including job role.
- VAT number and company registration number.
- Bank account information.
- Health and Care Professions Council Registration, qualifications, and membership to professional bodies.
- Insurance information.
- Information Commissioners Office (ICO) Registration
- Work experience.

**6.3 Data Sharing** – within the confines of the lawful basis for processing RCNS Ltd is may to share the following information:

- Name, address and contact information may be shared with customers.
- Accounting information may be shared with Her Majesty's Revenue and Customs (HMRC) in accordance with normal accounting practice.
- Limited information may be shared with a representative of RCNS Ltd accounting and auditing service only when absolutely necessary.

**6.4 Retention** - Associates' information will be retained for the duration of time the Associate is registered with RCNS Ltd and available to provide services and then for 10 years thereafter.

## **7. Customer Personal Information**

**7.1 Lawful basis for processing** - where personal information is collected about customers, RCNS Ltd is defined as the data controller and our lawful basis for processing personal information is the performance of a contract between RCNS Ltd and the customer. Customer personal information is processed in respect of providing services to the customer, to ensure the provision of services and for the processing of invoices and payments.

**7.2 Data collected** – The following list is an example of the data that is collected and processed regarding all customers of RCNS Ltd:

- Name, address, email address and contact telephone numbers.
- Company contacts including job role.
- VAT number and company registration number.
- Bank account information.

**7.3 Data Sharing** – within the confines of the lawful basis for processing, RCNS Ltd may share the following information:

- Name, address and contact information may be shared with Associates.
- Accounting information may be shared with Her Majesty's Revenue and Customs (HMRC) in accordance with normal accounting practice.
- Limited information may be shared with a representative of RCNS Ltd accounting and auditing service only when absolutely necessary.

**7.4 Retention** - Customer information will be retained for the duration of time that RCNS Ltd is psychology services company to the customer and then for 10 years thereafter, subject to the following alternative retention time periods:

- If the customer's client is under 18 years old the 10 years will begin the day after the child has turned 18 (as long as RCNS Ltd is no longer providing psychology services to the customer regarding the client in question).
- If the customer's client does not have mental capacity records will be retained for 50 years (after RCNS Ltd is no longer providing services to the customer regarding the client in question).

## **8. Client Personal Information**

**8.1 Lawful basis for processing** - where personal information is collected about customer's clients, RCNS Ltd is defined as the data processor and our lawful basis for processing personal and sensitive information is the performance of a contract between RCNS Ltd and the customer. Client personal information is processed in respect of providing psychology services to the customer, to ensure the provision of services and for the processing of invoices and payments.

**8.2 Data collected** – The following list is an example of the data that is collected and processed regarding all clients of RCNS Ltd:

- Name, address, email address and contact telephone numbers.
- Age, gender, race and religious background.

- Medical records, doctor's notes and treatment records.
- Criminal history.
- Personal contact information of family members and support workers.
- Legal representatives.
- Any additional information relevant to the management of risk and the provision of psychology services to the customer.

**8.3 Data sharing** – within the confines of the lawful basis for processing RCNS Ltd is may to share the following information:

- All client data may be shared with RCNS Ltd's nominated Associate for the provision of services to the client.
- Only personal and sensitive information deemed as absolutely necessary will be shared with the appointed Associate.

**8.4 Retention** – information will be retained for the duration of time that RCNS Ltd is psychology services company to the customer and then for 10 years thereafter. Subject to the following alternative retention time periods:

- If the customer's client is under 18 years old the 10 years will begin the day after the child has turned 18 (as long as RCNS Ltd is no longer providing psychology services to the customer regarding the client in question).
- If the customer's client does not have mental capacity record will be retained for 50 years (after RCNS Ltd is no longer providing services to the customer regarding the client in question).

## **9. Transfer of Personal Information Outside the EU**

In accordance with the provisions of the DPA and the GDPR RCNS Ltd will not transfer any information (personal or sensitive) outside the EU for processing either directly or by a 3<sup>rd</sup> party.

Where data is processed by a 3<sup>rd</sup> party system or service, RCNS Ltd affirms that these services are fully DPA and GDPR compliant and all information is stored within EU data centres.

Where the client resides in a country outside of the EU RCNS Ltd will take any steps necessary and as required by the laws applicable in the client's country of residence to processes personal information.

## **10. Information Retention**

Personal and sensitive information will only be retained for as long as necessary to fulfil the lawful basis for processing and in accordance with the RCNS Ltd retention policy and as detailed in sections 6 to 8 of this policy. RCNS Ltd is required to retain records to comply with insurance and indemnity policies and may refuse any request to destroy client personal information if it is made before the relevant retention policy has expired.

Where RCNS Ltd stops providing services to a customer or client and is retaining data in line with the retention policies detailed in section 6 to 8 it will respect the data subject privacy at all times. 3 months after services to the client/customer have finished the retained records will be moved into a secure

archive with only extremely limited access available. All operational staff will not have access to archived records.

All financial information relating to any transaction will be retained for a minimum of six years to begin the year after the financial year that the transaction was completed. This is in accordance with guidelines set out by the HMRC.

It is important to note that in some circumstance it may not be possible to destroy a limited amount of personal and sensitive information when the relevant retention policy expires. These include backups of electronic documents and email communications that may be securely archived. Deletion of any such material will take place when the opportunity to do so arises.

### **11. Data Access**

Access to all personal and sensitive information processed by RCNS Ltd will only be granted on a “least privileged” basis only. This means that only people that have a specific need to perform a function vital to the lawful basis for processing will be granted access.

All access to personal or sensitive information processed by RCNS Ltd is reviewed and audited on a regular basis.

All electronic data is backed in a secure manner for the purpose of disaster recovery and data loss prevention. Access to information in the backup systems is restricted to all users excluding those persons charged with the support of the IT infrastructure.

### **12. Personal Data Breaches**

Where RCNS Ltd is the data controller for information and when breach has occurred, an immediate investigation will be conducted, and the breach will be reported to the Information Commissioner within 24 hours.

Where RCNS Ltd is the data processor for information and when breach has occurred, an immediate investigation will be conducted, and the breach will be reported to the relevant data controller within 12 hours. A record of any personal data breach will be retained indefinitely.

### **13. Website Cookies**

RCNS Ltd website uses cookies. A cookie is a small file of letters and numbers that is sent to and stored on your computer to allow the collection of standard internet log information and visitor behaviour information in an anonymous form.

The cookies used are 'analytical' cookies. They allow recognition and count the number of visitors to see how visitors move around the site when using it. This helps with improving the way the website works, for example by making sure users are finding what they need easily. Similar information about site usage is also gathered from the web servers log from log files.

RCNS Ltd does not use cookies or log files to personally identify information about individuals, nor is the information gained from the use of cookies shared with any 3rd party.

RCNS Ltd website advertises the use of cookies on the home page and the website contains a link to this privacy policy.

### **14. Individual Rights**

**14.1 The right to be informed** - RCNS Ltd recognises the right to be informed and will provide each data subject a link to this privacy policy before commencement of the processing of personal information.

**14.2 The right of access** - RCNS Ltd recognises the right to access any personal and sensitive information processed by RCNS Ltd from the data subject, or in the case of a client any lawfully appointed representative. RCNS Ltd will provide any information requested under the right to access free of charge and within 28 working days of the request.

**14.3 The right of rectification** - RCNS Ltd recognises the right to rectify any personal and sensitive information processed by RCNS Ltd from the data subject, or in the case of a client, any lawfully appointed representative. RCNS Ltd will make any required rectification requested under the right to rectification free of charge and within 28 working days of the request.

**14.4 The right to erasure** - RCNS Ltd recognises the right to erasure and will consider all requests on a case-by-case basis, requests may only be denied where significant legal or technical reasoning prevents the destruction of records. All requests will be responded to within 28 working days. Where records are not deleted the right to restrict processing will automatically be considered as an alternative.

**14.5 The right to restrict** - RCNS Ltd recognises the right to restrict the processing of personal and sensitive information and will consider all requests on a case-by-case basis, requests may only be denied where significant legal or technical reasoning prevents the destruction of records. All requests will be responded to within 28 working days.

**14.6 The right to portability** - RCNS Ltd recognises the right to portability and will cooperate with the relevant data controller as required.

**14.7 The right to object** - RCNS Ltd recognises the right to object, however, this right does not apply to RCNS Ltd's lawful basis for processing personal and sensitive information.

**14.8 Rights in relation to automated decision making and profiling** - RCNS Ltd does not conduct any profiling and does not rely on any automated decision-making process.

## **15. Accountability and Governance**

**15.1** RCNS Ltd has implemented the following data protection policies:

- RCNS Ltd Privacy Policy.
- RCNS Ltd Customer Data Processing & Sharing Agreement.
- RCNS Ltd Information Sharing Agreement.
- RCNS Ltd Breach and GDPR Rights Policy.

**15.2** All policies relating to the processing of personal and sensitive information will be reviewed on an annual basis.

**15.3** RCNS Ltd has appointed a specific individual to perform the functions of a data protection officer.

Any concerns regarding data protection, privacy or information governance can be reported in confidence to [contact@Rowleycns.co.uk](mailto:contact@Rowleycns.co.uk)

## **16. Third Party Services Used by RCNS Ltd**

Here are links to the privacy policies of the third-party services used by RCNS Ltd.

[Microsoft Office 365](#)

#### **17. Policy Review**

- This policy is reviewed annually and updated accordingly