

## Fair Processing and Privacy Notice

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### 1. Scope

This notice applies to all clients (known as data subjects in the EU General Data Protection Regulation of May 2018) whose data is processed by Sarah Collins Counselling & Addiction Therapy.

### 2. Responsibilities

The Data Controller, Sarah Collins, is responsible for ensuring that all potential data subjects have sight of this notice prior to the collection and/or processing of their personal data.

### 3. Fair Processing Notice

Sarah Collins will use the personal data collected from you for the purpose of working with you in a therapeutic relationship so that she can fulfill her responsibility to you.

This notice confirms that you are consenting to Sarah Collins, in role as your counsellor, to use of your personal data for the above purpose and are granting her permission to carry out those actions.

You may withdraw your consent at any time by informing Sarah Collins. Please note that some of these rights only apply in certain circumstances and we may not be able to fulfil every request, particularly:

- If it is necessary in order to carry out the service requested
- If there is a need to safeguard you or the public from harm
- For the prevention, investigation, detection or prosecution of criminal offences
- If a court of law requires the information
- If it causes a breach to the ethical standards of the professional body to which Sarah Collins belongs to: The Addictions Professionals (AP). This body regulates our profession and ensures you receive the best and safest service possible

#### 4. What is Personal Data?

The EU's General Data Protection Regulation ("GDPR") defines "personal data" as:

*"any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".*

The GDPR recognises that some categories of personal information are more sensitive. Sensitive personal information can include information about a person's health, race, ethnic origin, political opinions, sex life, sexual orientation or religious beliefs.

If you contact Sarah Collins in order to receive counselling, you may choose to provide details of a sensitive nature.

The GDPR requires that consent is provided by the data subject (you the client) for all types of personal data, including those pertaining to the special categories set out

above. Consent must be explicitly provided, and counselling cannot take place if this consent is not given.

When Sarah Collins requests sensitive data from you, she is required by GDPR to confirm why the information is required and how it will be used.

## **5. What is the legal basis for using my information?**

Sarah Collins has both a legal and an ethical obligation to keep your data and to make sure it is kept safe. Therefore, no unauthorised person will have access to your information.

In some cases, Sarah Collins will only use your personal information where she has your consent or because she needs to use it in order to fulfil a contract with you.

However, there are other lawful reasons that allows Sarah Collins to process your personal information and one of those reasons is called 'legitimate interests'. This means that the reason that Sarah Collins is processing your information is because there is a legitimate interest to process your information to help make sure you get the support and service you need from counselling.

Sarah Collins is committed to ensuring that all personal information, collected and processed, is appropriate for the stated purpose and shall not constitute an invasion of your privacy.

Sarah Collins will never pass on your details to anyone without your express permission except in exceptional circumstances. These are:

- If she is requested to do so by a court of law
- If you are at risk of seriously harming yourself or someone else
- If you tell her about a child being abused or at imminent risk of being abused
- And when, it would be a criminal offence to not do so (for example, Female Genital Mutilation, drug trafficking, money laundering, any intention to commit an act of terrorism or because required by a court of law).

## **6. How is my information used?**

Your personal information may be used for:

- Dealing with your enquiries, requests, and complaints
- Complying with legal obligations and procedures
- Administration
- Statistics
- Communicating with you via letters, phone calls, texts or emails
- In certain circumstances to contact your GP or emergency contacts

Sarah Collins will process your data (i.e. collect, store and use) according to the requirements of the GDPR at all times. It is important to keep your personal data up-to-date, ensuring its accuracy (therefore please inform Sarah Collins should any of your personal or medical contact details change). Sarah Collins will not keep your personal data for longer than it is required.

Sarah Collins will enact strict measures and processes to ensure that the risk of unauthorized access or disclosure of your personal data is minimized as much as possible.

## **7. How is my information stored?**

This signed notice and your contract, will be kept in a locked filing cabinet which only Sarah Collins will have access to.

Any emergency and medical contact details held about you will be kept in a separate locked cabinet and again will only be accessed by Sarah Collins. In the event of Sarah Collins being incapacitated by injury, illness or death, her professional executor will

have access to your contact details so that they can contact you. Your records will subsequently be destroyed (refer to Counselling Agreement).

Client notes (factual notes about the sessions) taken by Sarah Collins will not have your name on them. Instead, a pseudonym or code will be given for you to protect your confidentiality. These notes will be kept on Sarah Collins' computer which only she has access to. Sarah Collins has a password to gain access to her computer and an additional password to access the case notes.

You have the right to request to see your notes at any time and to ask, if it is likely to not cause you or any other person any significant harm, for the information from these notes to be shared with a legitimate third party (for example, your representative). Please discuss this further with Sarah Collins if necessary.

If you have agreed to be contacted via phone or email, your phone number (kept on Sarah Collins' password protected mobile phone) and your email address (kept on Sarah Collins' password protected and anti-virus devices) will be kept for the duration of your therapy only.

## **8. How long is your personal information kept for?**

When your contract with Sarah Collins comes to an end, your counselling notes will be sealed in an envelope and archived in a locked filing cabinet for 5 years, and then shredded. Your contract and anything with your personal details on will be archived separately. This time frame is in keeping with the Addiction Professionals guidelines.

## **9. What happens if there is a data breach?**

In the unlikely event that your personal information is breached in any way, Sarah Collins will inform the supervisory authority within 72 hours after having become aware

of the breach, unless the Data Controller is able to demonstrate, in accordance with the accountability principle, that the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.