

## Privacy & Confidentiality Statement

### What is a 'privacy statement'?

It is a document written by a business or organisation that generally states how it collects, uses and stores any personally identifiable information it holds about a person (i.e., 'data subject'), such as a client or staff member. In addition, it usually attempts to explain the rights that 'data subjects' have over their information.

This particular privacy statement attempts to explain how this practice (i.e., "Guy Suter | Chartered Psychologist") intends to process any identifiable information about both prospective and existing clients (including their emergency contacts and/or family members) in compliance with the European Union, General Data Protection Regulations (GDPR) introduced in May 2018.

### Laws, regulations and guidelines that govern 'personal information'

In addition to the GDPR (2018) a number of other laws, regulations and professional guidelines may also govern how this practice deals with your personal information. These include, but are not limited to, the following:

- Data Protection Act 1998
- Human Rights Act 1998 (Article 8)
- Access to Health Records Act 1990
- Health and Social Care Act 2012, 2015
- The Common Law Duty of Confidentiality
- The Private and Voluntary Health Care (England) Regulations 2001
- British Psychological Society (BPS) and Health & Care Professions Council (HCPC) professional guidelines

### Personal information that may be collected

- *Service delivery*

From the first time you (or a referrer) make contact with this practice, any personal confidential information that you (or others) disclose to this practice by any means (e.g. telephone, mobile, email, in writing, in person during a therapy session), may be collected, used or stored if it may: inform or support assessment/ treatment efforts, help safeguard someone from harm or ensures compliance with various professional and legal obligations.

General personal information which may be collected, used or stored could include, but is not limited to, your name, surname, address, contact details (landline, mobile, email), date of birth, gender (or preferred identity), age, occupation, education, work status, emergency contacts (name, surname, relationship, landline, mobile), details of those living at home or significant others (name, relationship, age, work status), health insurance details (if applicable), general practitioner details, contact/appointment dates, etc.

More 'sensitive' information which may also be collected, used or stored could include, but is not limited to, your political and religious views, health (e.g. medical and psychological: history, assessments including psychological measures, consultation notes, professional reports, results, health conditions, treatments, etc.), sex life, sexual orientation, disability, offences (including alleged offences), financial information (e.g., online bank payment receipt details), etc.

This information may be collected directly from you, other people (e.g. relatives), health professionals (e.g. referral details from your GP, previous psychotherapist, etc.) or other organisations (e.g. referral details from an employer, etc.).

- *Website*

Please note that our website may contain links to other websites. This privacy policy only applies to this website so when you link to other websites you should read their own privacy policies.

Like many websites, this practice's website uses Google Analytics which is a web analytics service provided by Google, Inc. ("Google"), which may collect some information about you and your visit (e.g. your computer's IP address, pages you visited, general geographical location, etc.). This is discussed in more detail [below](#).

## The lawful basis for processing this information

The GDPR (2018) requires that the information we collect, use and store about you is done in a fair, lawful, open and responsible way. Our lawful basis for collecting, using and storing your information is as follows:

The GDPR (2018) Article 6 lawful basis for processing (i.e., collecting, using and storing) your personal information is likely to be because this practice has a *legitimate interest* [Article 6(1)(f)] in trying to provide you with a psychological service which you initiate and pay for, as well as a *legal obligation* [Article 6(1)(c)] to comply with certain laws or professional guidelines, especially with regards to how long records need to be kept for. The information is legitimately needed to conduct a psychological assessment, deliver a psychological intervention, drafts reports/ letters, process payments for this service and comply with regulations pertaining records.

The GDPR (2018) Article 9 lawful basis for processing your 'special category' information is likely to be because it is necessary for "the provision of health or social care or treatment" [Article 9(2)(h)] offered by this practice. In other words, this information is generally considered necessary in attempting to correctly understand or assess the difficulties you would like to try overcome, and to tailor the treatment specifically to your needs.

## How the information may be used

- *Your information is likely to be used in the following ways*

This practice collects information about you in order to provide a psychological service and to receive/ process payment for this service.

In offering a psychological service, the information may be used to:

- arrange appointments
- facilitate the continuity of assessment and treatment efforts
- assess your response to treatment (i.e. monitor progress)
- inform decisions about your assessment, treatment and care
- work with other organisations to facilitate your treatment/ care
- inform good practice, supervision and training needs
- provide a clear, complete and up-to-date record of assessment, treatment and progress according to professional and legal obligations
- inform reports issued to third parties if required (e.g. employers, lawyers, medical insurers, other health or care professionals such as your GP, etc.)

In processing payments, the information may be used to:

- issue invoices and receipts
- prepare accounts for tax purposes
- keep records of payments received in compliance with HMRC requirements

In processing any website information collected (such as your computer's IP address), it may be used by:

- Google Analytics, which usually uses a website visitor's IP address to monitor how visitors are interacting with this practice's website. Please note that Google Analytics only provides this practice with impersonal group statistical data about visitors (e.g. number of people visiting the website, which pages they have visited, how long they visited for, which geographical area they are from, etc.). For more information about Google Analytics privacy policy please [click here](#).

It is our understanding that Google Analytics uses 'cookies' (i.e. text files stored on your computer by your browser when you visit a website) to achieve such an analysis. Therefore by disabling cookies on your device's browser, you should be able to prevent such tracking of your visit. Most browsers allow you to refuse to accept cookies, for further information visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

- This practice, which uses the reports from Google Analytics to improve its website (e.g. for SEO).

Please note that when you click on a practice email address or telephone link, the website will automatically attempt to open a new email on your device to make contact with this practice or open software on your device that will allow you make a call. Only once you send the email or call the practice will your email address, telephone number and message contents become known to the practice and stored.

**Please note** that emails are not a totally secure form of communication and may be intercepted, therefore we suggest that you encrypt emails you send this practice if possible and/or attach any confidential (particularly sensitive) information in a password protected file, then send the password to the practice using another form of communication if possible.

### **Who the information may be shared with**

In order to provide a psychological service or to ensure your well-being and/or that of others, this practice may sometimes need to share information about you with other organisations (e.g., private or public health services, police services, social services, educational services, relatives or emergency contacts, etc.). However there are strict rules and regulations as to when your information may be shared.

- *Professional confidentiality*

All private information you share with this practice will be treated as **strictly confidential**. However, please be aware that for all health professionals there are limits to professional confidentiality. A health professional, such as a practitioner psychologist, will not release confidential information about you without your explicit consent (preferably written), unless s/he is legally or professionally required to do so in any of the following situations:

- s/he believes that you may be at risk to yourself or others (e.g. intend to harm yourself or others)
- s/he believes that a vulnerable person (e.g. a child, elderly person or person with learning difficulties) has been subject to, or is at risk of, physical/ emotional/ sexual abuse
- you share information about a past or future intention to commit a terrorist act
- a court of law orders the release of your confidential information

When attempting to protect you or others from possible harm, relevant information may be shared with other organisations or people (e.g., private or public health services, police services, social services, educational services, relatives or emergency contacts, etc.). In the bullet pointed situations above, where information can legitimately be shared without your consent, the health professional will usually attempt to disclose the least information necessary and will also usually try to inform you first before taking appropriate action, provided it is both professionally/ legally advisable and practical to do so.

In all other situations where your consent is actively required, the health professional will usually discuss with you what information is to be shared and with whom. You are likely to be asked to sign a 'release of confidential information' form. Sometimes you may be provided with a copy of the letter or report before it is released so that you are more aware of what is being shared. When your consent is required to share information, you have the right to refuse/withdraw consent at any time by explicitly notifying your practitioner psychologist (preferably in writing) so that s/he does not continue to share further information from that point on.

- *Professional supervision*

As part of their continued professional development requirements, health professionals like practitioner psychologists, are required to receive ongoing professional supervision from another experienced practitioner. In supervision confidential information about you may be openly discussed, including your biographical information, confidential consultation notes, session recordings/ transcripts and the like. This information is often anonymised to some extent (e.g. by using a pseudonym or just your first name). Supervisors are bound by the same legal and professional regulations and therefore share the same duty to keep your information private and confidential.

Any audio recordings of sessions are destroyed shortly after a supervision session. The aims of supervision are to safeguard the well-being of clients and to enhance the effectiveness of service provision by continually developing the supervisee's professional skill set.

- *Professional bodies, regulators, indemnity insurers*

The Health & Care Professions Council (HCPC) is the regulator for most health professionals. The British Psychological Society (BPS) is the professional body for chartered psychologists. Health professionals are usually required to have indemnity insurance to practice. Your consent will usually be sought to share any relevant information with such bodies if ever it is required.

- *Processing payments*

In processing your payments, this practice's card payment system (PayPal) may send your relevant details to, and also use information from credit reference agencies and fraud prevention agencies. The payment receipt information displayed on this practice's PayPal account will be used and retained for book keeping and HMRC tax return requirements. The payment information provided to this practice's bank account when direct bank transfer payments are received will be used and retained for book keeping and HMRC tax return requirements. This practice does not share your information for marketing purposes with other companies.

- *Website information*

Information collected by Google Analytics when you visit the practice website is obviously shared with Google, Inc. ("Google"). Please read [Google Analytics privacy policy](#) to better understand who they may share your information with in providing their service to us.

### **How the information may be stored and for how long**

- *How your information is stored*

The information about you which is collected by this practice (e.g. registration/intake forms, assessment questionnaires, consultation/ treatment notes, reports, etc.) may be stored in full or in part as a paper based and/or electronic record. Paper based records (e.g. session notes) may be typed up or scanned in to form part of an electronic record to conserve space, before being shredded.

- *How your information is kept safe and secure*

All paper based records are kept securely in a locked filing cabinet. Where possible, highly sensitive 'special category' data is anonymised and stored separately from other personal information. A 'clear desk' policy requires that when your record is not being dealt with directly, it is locked away. These records are shredded at the end of the retention period [detailed below](#).

Digital records are stored on encrypted devices, which require password access, with each of the individual files making up your digital record being password protected in their own right. A 'lock' policy requires that your files are saved and closed when not in use and that all digital devices are locked when not in use. It also requires that such devices are shut down completely at the end of each day to enable encryption and then locked away in a filing cabinet if this can be sensibly achieved. Devices have been configured to automatically lock after a short period of inactivity requiring the user to log in again. Regular backups are made to ensure your data is not lost. These records are deleted at the end of the retention period [detailed below](#).

Personal information received electronically by email may be printed or electronically copied to a secure password protected document to form part of your digital record. Emails are likely to be deleted shortly after any relevant information has been transferred from them. Any confidential information sent by email from this practice will be encrypted, with highly sensitive 'special category' data attached as a password protected file, the password sent separately but not by email. It is strongly advised that you do the same when sending confidential information to us by email given that it is possible that email communications may be intercepted by others.

- *How long your information is kept for (retention period)*

While the legal basis for the retention of any commercial information to satisfy HMRC and other legal requirements seems to be at least 6 years, this practice largely follows the [British Psychological Society's Practice Guidelines 3<sup>rd</sup> Edition \(August 2017\)](#) regarding the "retention and destruction of [psychological] records".

It states that "psychologists' records should be held securely for as long as they are required for the purpose of psychological work. Psychologists must follow legal requirements, national and local policy frameworks and

procedures regarding the retention or disposal of records after the psychologist's work is concluded.

Psychologists should ensure that they keep up to date with requirements" ([BPS, Practice Guidelines \(3<sup>rd</sup> Edition\) August 2017, p.57](#)).

"For **independent practitioners** general guidance is that many independent psychologists keep records **relating to contact with adults for 7 years**, and follow NHS guidance in relation to children [until age 26]. Where the records derive from work undertaken within an organisation, the maintenance of these records is determined by the organisation's policies and legal requirements" ([BPS, Practice Guidelines \(3<sup>rd</sup> Edition\) August 2017, p.57](#)).

Consequently, this service will keep personally identifiable psychological records for at least 7 years after the date of the last contact. In the absence of any formal personal, regulatory or legal concerns arising during this period the information will be securely destroyed at the end of this period, otherwise it may be kept for a longer period at the discretion of this practice, which is likely to be informed by indemnity, legal and/or professional advice.

### **Rights you have over this information**

For detailed information about the rights you have over your data please visit the [Information Commissioner's Office \(ICO\) website](#). In most cases you may need to send a request to the practice's data controller ([detailed below](#)) to exercise your rights over any information this practice holds about you. Requests can be made verbally or in writing, although this practice would prefer them in writing (e.g. either by post or email). The practice will usually respond in a calendar month but this may be longer depending on certain circumstances. Please note that it is possible that in some circumstances we may charge a "reasonable fee" for the administrative costs of complying with a request.

Your rights include the right to:

- *Be informed*

You have the right to be informed about the collection and use of your personal data in the interests of transparency, which we have attempted to do with this document.

- *Access your personal data*

You have a right to make a request for your data. However, please note that is not an automatic right as other legal or professional regulations also need to be considered before complying with such requests. The practice will also need to consider the rights of others if information about them forms part of the records (data) requested. If your request is granted then the information will be provided in a commonly used electronic format unless you request otherwise.

- *Correct your personal data*

You have a right to request that inaccurate personal data is rectified, or completed if it is incomplete. Please note that in certain circumstances a request for rectification can be refused.

- *Erase your personal data*

You have a right to request that your personal data be erased, which is also known as the 'right to be forgotten'. However, this right is not absolute and only applies in certain circumstances. It is the understanding of this practice that it would generally need to decline such requests given the following circumstances: Firstly it needs to comply with legal, professional and indemnity obligations requiring that the data is retained for a certain length of time; Secondly given that this right does not apply to special category data if the processing is necessary for the provision of health care.

- *Restricted processing*

You have a right to request that the use of your personal data be restricted or suppressed. Please note that this is not an absolute right and only applies in certain circumstances. When processing is restricted, this practice will still be permitted to store the personal data, but not use it unless other circumstances apply (e.g. it is needed for the establishment, exercise or defence of legal claims; it is needed for the protection of the rights of another person (natural or legal))

- *Data portability*

It is the understanding of this practice that this right does not necessarily apply to this practice's processing of your data given that this right only applies when the data controller's lawful basis for processing your personal information is 'consent' or 'the performance of a contract' and/or the processing is carried out by automated means. As stated above this practice relies on the 'legitimate interests' and 'provision of health or social care' legal bases for processing.

- *Object*

You have a right to request that the processing of your personal data is stopped in certain circumstances. This right is only absolute where your data is being used for direct marketing. In other cases where the right to object applies this practice may still be able to continue processing your data if it can demonstrate compelling reasons for doing so (e.g. compliance with a legal obligation).

- *Object to automated decision making and profiling*

You have the right not to be subject to decisions made solely on the basis of automated (non-human) decision-making processes which can significantly effect you. Please note that while a practitioner psychologist may make use of some automated scoring systems at times to help inform their decision making in assessing and planning your care s/he does not rely solely on such systems.

- *Complain*

You have the right to complain about this practice's use of your personal data. You may address your complaint to the practice's data controller (detailed below) so that s/he can try to resolve them for you. You also have a right to lodge a complaint with a regulatory/ supervisory authority, which is the Information Commissioner's Office (ICO) in the UK.

### Possible changes to this document over time

Please note that this is essentially a working document that is constantly under regular review and therefore will be amended from time-to-time in accordance with prevailing legal, professional, indemnity and regulatory requirements and practices. This privacy policy was last updated on 12 July 2018.

### How to contact the practice's data controller

This practice is registered with the Information Commissioners Office (ICO). The registered 'data controller' (person deciding what personal information to collect and how it is used) is Guy Suter, who is also the 'data processor' (person actually using the information). Please contact this person if you have any questions about the information in this document or any concerns about how your information is being used by this practice, using the relevant contact details below (preferably email).

#### ICO Business details:

|                                    |                                              |                        |                                                                |
|------------------------------------|----------------------------------------------|------------------------|----------------------------------------------------------------|
| <b>Business name:</b>              | Guy Suter   Chartered Psychologist           | <b>Sector:</b>         | Mental Health (Private)                                        |
| <b>Address:</b>                    | 99 North Road, Crawley, West Sussex, RH101SQ | <b>Service:</b>        | Psychological                                                  |
| <b>Contact details:</b>            | ☎ 07504115969                                | ✉                      | <a href="mailto:guysuter@outlook.com">guysuter@outlook.com</a> |
| <b>Data controller/ processor:</b> | Guy Suter                                    | <b>ICO Registered:</b> | Yes                                                            |