

Data Protection (GDPR) Policy

Scope

This policy covers all data collected from employees, contractors, clients, client's families, external agencies and other professionals kept internally as part of the client's services. Data is only kept for the purpose of relevant business use and clinical recording of services. It covers data held electronically as well as paper records. It also covers any work produced by clients during psychotherapy sessions.

Principles

Id Derby values the dignity of every individual member of staff and service users and will apply this policy fairly and consistently. Reasonable adjustments will be made in applying this procedure to employees and clients with a disability.

Policy Statement

In line with the General Data Protection Act (2018), data will be processed according to the following principles:

- Personal Data shall be processed fairly and lawfully
- Personal Data shall be held only for one or more lawful purposes and shall not be further processed in any manner incompatible with that purpose or purposes.
- Personal Data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed.
- Personal Data shall be accurate and where necessary kept up to date.
- Personal Data processed for any purpose shall not be kept for longer than is necessary.
- Personal Data shall be processed in accordance with the right of the data subject under the Data Protection Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of the data.

Registration

Id Derby CIC is registered with the Information Commissioner Office. The Registration number is ZB759719. The contact number for the ICO is 0303 123 1113.

Use of Data

Access to data is only granted to relevant staff of id Derby and information will not be disclosed to any other party without the express permission of the individual or organisation

that has supplied the data. The only exception to this would be where required by law, or as a staff member's Duty to Report (please see safeguarding policy).

The General Data Protection Act (2018) includes provision for individuals and organisations to access data stored about them by making a formal subject access request. Clients and Organisations may also directly approach their practitioner to discuss accessing their data, which would be discussed on a case by case basis and signed off by the Data Protection Officer.

Information of Rights

Information will be provided to clients as part of our contracting process, informing them of their rights with regard to information being held about them.

Data Retention

In accordance with the General Data Protection Act (2018), data will not be retained for longer than necessary. For psychotherapy clinical records, data will be securely retained for 8 years after the termination of the service.

Data Security

All data held electronically is held on a secure online drive. Staff should not hold any data on their electronic devices. Personal Data held on the online drive is additionally password protected. Any external communication containing confidential / personal data must be sent using a secure messaging service (i.e. Egress).

Paper records and client work is held in lockable cabinets to prevent unauthorised access.

All staff have individual passwords and restricted access to data dependent upon roles and responsibilities to ensure data is accessed appropriately.

Breach of Data Protection

In the event of a breach, or a suspected breach, the full details will be sent to the Information Commissioner's Officers and an investigation will be carried out by them to establish;

1. If a breach has occurred
2. The level of risk to the affected parties
3. Actions to be taken by them
4. Actions to be taken by id Derby

Data Protection Officer

Id Derby CIC has appointed Mark Peberdy as the Data Protection Officer. He can be contacted via: mark@idderby.co.uk

Consent

As an organisation we will seek consent from staff, volunteers, contractors, clients, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required.

Consent is defined by the UK GDPR as “any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”.

Clients under 16 should be assessed for Gillick Competence, in which case if deemed to have capacity, they are able to access services and consent to data sharing without parental/carer consent or knowledge.

Consent and Renewal

Obtaining clear consent and ensuring that consent remains in place is an important value of our organisation.

When we contract services with either an individual client or another organisation or commissioner, we seek informed consent for the services to be delivered and for other data we may hold about service users. This information is stored in the client or contractor’s client folder on our online drive. During period reviews of services (at least annually), we will confirm that data is accurate and up to date but also request that we are informed of any changes that may be relevant.

Separate consent may be sought in the event of circumstances such as creating marketing materials, using anonymised client session content for case studies, funded project reports, etc. The request and purpose will be discussed in person with the client’s / organisation’s practitioner and outlined clearly in a relevant consent form. All clients and organisations accessing services have the right to refuse consent for their data to be used for these purposes and this decision does not affect their ability to be able to access services.

Withdrawal of Consent

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. In the case of consent being withdrawn, we require written confirmation of this.

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