

Martin Herbst Counselling

Privacy Policy May 2018

The EU Regulations of General Data Protection Regulations (GDPR) comes into force on May 25th 2018 in the UK.

This is overseen by the Information Commissioners Office (ICO).

The following important terms apply:

“data controller” means 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 are, or are 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, including—

- a) organisation, adaptation or alteration of the information or data,
- b) retrieval, consultation or use of the information or data,
- c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- d) alignment, combination, blocking, erasure or destruction of the information or data

Owner and Data Controller

Martin Herbst Counselling
c/o Affordable Therapy Service
Welsh Psychotherapy Partnership
54 Charles Street
Cardiff
CF10 2GF

Owner contact email:

martinherbst25@gmail.com

This Privacy Notice sets out the basis on which I, Martin Herbst, of Martin Herbst Counselling will process the personal information you provide me, this information is also referred to as 'personal data'.

I am a (trainee) Psychotherapeutic Counsellor and offer Relational Centred, individual, face-to-face therapeutic counselling. I operate within the Law and by Law I will need to breach confidentiality should you disclose content, which may relate to the following circumstances: Mental Health Act 1983, Child Protection and Children Act 1989/ 2004, Terrorism Act 2003, Human Rights Act 1998.

I also operate as set-out in the guidance and ethical framework of my Professional Body, The UK Council for Psychotherapy (UKCP). <https://www.psychotherapy.org.uk/>

The nature of Counselling requires you to disclose personal, sensitive information and experiences about yourself. I aim to offer my service to you with your best interest in mind and for that reason, I take my obligations in respect of the privacy of your personal data very seriously and I will only process personal information as detailed in this notice, unless I informed by you otherwise. In order to ensure that the personal data I hold is accurate and up to date, I request that you inform me of any relevant changes to the personal information I hold about you.

I also invite you to discuss with me any concerns, questions or comments you may have regarding your Privacy and keeping your data safe.

Changes and review to this Privacy Notice

I will continually review and update this Privacy Policy to adhere to GDPR, but also to ensure I operate to best practices. Where an update is relevant to my processing of your data, I shall notify you of the same. I will formally review this policy yearly and the next formal review will commence on 01/05/2019.

If you do not wish me to process personal data in accordance with this policy, then please do not provide it to me, Please refer to Section 3 'Your rights', in respect of data that I already hold

This Privacy Policy is set out in the following sections:

- Section 1: How I obtain your data**
- Section 2: Why and how I process your data, including retention, deletion and storage of your data**
- Section 3: Your rights**
- Appendix 1: Information Pathway**

Section 1: How I obtain your data

This section applies to individuals wishing to use or using my Counselling Service ('a client'):

The personal data I collect or receive includes the following as applicable:

- Name and Surname
- Address
- Email and other contact details
- Date of birth
- Bank details (if you choose to pay via online banking)
- Next of kin: name and contact number (This would only be used in an emergency while you are with me and for no other purpose, with your agreement)
- GP Name and contact details
- Prescribed Medication or Complimentary Remedies
- Details of other Mental Health Providers you may be accessing

I may also obtain your personal data from the following sources in the course of our ongoing work (please note that this list is not exhaustive):

- Bank details – if you wish to make online or mobile application payments
- Telephone number – If you contact me via text or telephone call
- Social media account details if you follow my business social media accounts
- Other sensitive personal information such as communications from other sources of support

I may obtain your personal data from the following sources (please note that this list is not exhaustive):

- You
- Other sources of referrals, for example other therapists, therapeutic services and mental health organisations
- Conversations on the telephone
- My website and software applications

Where you are a client and I have obtained your personal data from any of the third party above, it is my policy to advise you of the source when I first contact you after receiving a referral.

How I will use your personal data:

The processing of your personal information may include:

- Collecting and storing your personal data, whether in manual or electronic files
- Notifying you of other potential sources of support and information
- Making referrals on your behalf to other therapists or support services, with your consent
- Retaining a record of our dealings
- Keep client notes which are a factual record of our work
- Attend Supervision, as a requirement of the therapeutic work, where I will only use your name and age, but no other identifying characteristics.

Section 2: Why and how I process your data, including retention, deletion and storage of your data

1. Entering into and performing a contract with you:

In order to provide my therapeutic services I need to enter into a contract with you. In order to enter into a contract I will need certain information, for example your name, address and other information mentioned in Section 1. A contract will also contain obligations on both your part and my part and I will process your data as is necessary for the purpose of those obligations. For example, in order to process a contract, your name, surname, signature, agreed fee and date of entering into a contract will be required.

2. Compliance with legal obligations (regulatory and statutory obligations):

- I must comply with a number of statutory provisions when providing my Counselling Service, which necessitate the processing of personal data as I may need to breach confidentiality. I operate within the Law and by Law, I will need to breach confidentiality should you disclose content, which may relate to the following circumstances: Mental Health Act 1983, Child Protection and Children Act 1989/ 2004, Terrorism Act 2003, Human Rights Act 1998.
- I have Public Liability Insurance from Howden Broken Group Limited
<http://www.howdengroup.com/en/privacy-policy>

In the event of a complaint or I need advice, data may need to be shared.

- I keep client notes from each client session. I use an unidentifiable code for each client. My client notes contain facts about our sessions. At times, I may include direct quotes relating to ethics and the law. I may also include screenshots or other digital formats to these notes. These notes are kept locked away in a secure metal cabinet. I retain these notes for 6 years from the date of our last contact.
- I keep financial records, as I am required to provide an HMRC self-assessment every financial year. I record each client payment with a unique client reference number and fee paid for the session. Clients are not directly identifiable from these unique client reference numbers.
- I attend Supervision, which is a requirement of the UK Counsel for Psychotherapy (UKCP). I am registered as a trainee member with the UKCP. I am required to attend Supervision to adhere to Ethical code of conduct to ensure I continue to practice competently.

I prepare a Supervision report for each supervision session and this will include your name, age and my reflections on our shared therapeutic work. The report includes my reflections on you presenting issues, processes and my processes in response to our work together. I remove all other identifying information to protect your privacy. My Supervisor is required and must adhere to the same principles as set out in the GDPR in relation to our work.

- I also attend Continued Professional Development. This is a requirement of my profession. These Development sessions ensure that I am stay up to date with relevant changes and developments in therapy and that I continue to work competently. I may explore some of the work we do and my reflections, but will not disclose any of your personal information.

3. My legitimate interests:

In providing my Counselling Services, I will carry out some processing of personal data which is necessary for the purpose of my legitimate interests, which include:

- Retaining client notes of our sessions and transactions and where applicable, use such records for the purposes of:
 - establishing compliance with contractual obligations with Clients
 - addressing any query or dispute that may arise including establishing, exercising or defending any legal claims
 - protecting my reputation
 - maintaining a back up of my systems, solely for the purpose of being able to restore the system to a particular point in the event of a system failure or security breach
 - evaluating quality and compliance including compliance with this Privacy Notice
 - determining system requirements and future developments

4. Consent to my processing of your data:

I may process your personal data on the basis that you have consented to me doing so for a specific purpose our offering you a counselling service. You may withdraw your consent to me processing of your personal information for a particular purpose at any stage. However, please note that I may continue to retain, or otherwise use your personal information thereafter where I have a legitimate interest or a legal or contractual obligation to do so. My processing in that respect will be limited to what is necessary in furtherance of those interests or obligations. Withdrawal of consent will not have any effect on the lawfulness of any processing based on consent before its withdrawal.

What if I obtain your personal data from a third party?

- If I receive a referral from a third party on your behalf with your consent then I will apply this Privacy Policy. I will assume that you have checked and agreed to that third party's Privacy Policy.
- I do not actively seek or research personal information about my clients as this may influence the neutrality and therapeutic relationship I seek to develop with a client. For that reason, I do not search for my client on Social Network site, for example Facebook, Twitter, Google or other such services.
- I do have a personal and business social media presence. I do not accept friend requests or follower requests from clients to my social media accounts. I will assume you are willing to share personal information with me should you follow any of my business social media accounts. I will refrain from following you back.

I retain the right to block any account to my personal social media accounts.

Sensitive Personal Data (SPD)

Sensitive personal data is information, which is intensely personal to you. Examples of SPD include information which reveals your political, religious or philosophical beliefs, sexual orientation, race or ethnic origin, or information relating to your health.

- Due to the intensely personal nature of Counselling, it is highly likely that you will disclose in the course your therapy, Sensitive Personal Data. Withholding this information may have an impact on the progress you make in therapy. However, you are not required to disclose any of this information as a matter of fact.

I shall only use that data for the purposes of the therapeutic relationship with you.

Who I share personal data with:

I shall not share your personal information unless I am entitled to do so or required to do so by Law. In all circumstances, I will consider seeking your consent first unless it is of such a nature where I may need further guidance from a Supervisor and / or Legal Adviser, for example complaint. The categories of persons with whom we may share your personal information include:

- Supervision
- Legal and professional advisers

These may include, one or all, of the below:

- The Welsh Psychotherapy Partnership where I am a trainee member and practice: <http://www.welshpsychotherapy.org.uk>
- The UK Counsel for Psychotherapy (UKCP), my professional body: <https://www.psychotherapy.org.uk/>
- Howden Broken Group Limited. These are my Public Liability Insurers <http://www.howdengroup.com>

I am required to assign a Clinical Executor in the unlikely event that I am unable to return to practice in an emergency. The Clinical Executor will contact you to inform you and to organise or finalise my practical arrangements.

The Clinical Executor will be an assigned therapeutic colleague adhering to GDPR.

If you do not wish to provide me with necessary data

There may be circumstances where I require you to provide data which is necessary in order for me to meet statutory or contractual obligations, for example a Counselling Contract. If you do not wish to provide me with information, I request then please notify me. However, please be aware that as a result I may be unable to provide you with a Counselling Service.

Data Security and Confidentiality

It is my policy to ensure, in so far as is reasonably practicable, that my systems and records are secure and not accessible to unauthorised third parties in line with contemporary practice. For that reason, all my digital devices are password protected and or have with anti-virus software as appropriate.

Website service

You are able to contact me directly as per my contact details on my website or directly via the contact form on my website.

My website is hosted by Wix.com. You can view the Privacy policy for Wix.com here:

<https://www.wix.com/about/privacy>

Cookies

Cookies are small pieces of data stored on a site visitor's browser, usually used to keep track of their movements and actions on a site.

Cookies are implemented in every site built by Wix. Take a look at the table below to view which cookies Wix implements on Wix sites:

Cookie name	Life span	Purpose
svSession	Permanent	Creates activities and BI
hs	Session	Security
incap_ses_\${Proxy-ID}_\${Site-ID}	Session	Security
incap_visid_\${Proxy-ID}_\${Site-ID}	Session	Security
nlbi_{ID}	Persistent cookie	Security
XSRF-TOKEN	Persistent cookie	Security
smSession	Two weeks	Identify logged in site members

How to control or delete cookies

You block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. In order to do this, follow the instructions provided by your browser (usually located within the “Help”, “Tools” or “Edit” facility). Disabling a cookie or category of cookie does not delete the cookie from your browser; you will need to do this yourself from within your browser. If you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site.

I also run a Google Adword at times. This application may record data. You can find the Google Adword Privacy Policy here:

<https://policies.google.com/privacy>

I use a Gmail account hosted by Google. When you email me, gmail and Google may collect some information. You can find the Google Privacy Policy here:

<https://policies.google.com/privacy/update>

Retaining your data

In most circumstances your data will not be retained for more than 6 years from the last point at which I provided any services or otherwise engaged with you and it is my policy to only store your personal data for as long as is reasonably necessary for me to comply with my legal obligations

However, I may retain data for longer than a 6-year period where I have a legal or contractual obligation to do so, or I form the view that there is otherwise a continued basis to do so, or we are subject to a legal obligation, which applies for a longer period.

If however you believe that I should delete your personal data at an earlier date, please inform me in writing of your reasons. Please see **Section 3 ‘Your Rights’** below.

Section 3: Your rights

I take the protection of your personal data very seriously and it is important that you know your rights within that context, which include rights to:

- Request a copy of the personal data that I hold
- Request that I restrict processing of your data in certain circumstances
- Request that data is erased where the continued use of that data cannot be justified
- Withdraw your consent to me processing of your personal data for a particular purpose at any stage. However, please note that I may continue to retain, or otherwise use your personal information thereafter where I have a legitimate interest or a legal or contractual obligation to do so. My processing in that respect will be limited to what is necessary in furtherance of those interests or obligations
- Request that inaccurate or incomplete data is rectified

Please note that should you exercise your right to request that I erase data or cease any processing activity, I may retain a record of this request and the action taken in order to both evidence my compliance, and to take steps to minimise the prospect of any data being processed in the future should it be received again from a third party source.

If you have any questions concerning your rights or should you wish to exercise any of these rights, please contact Martin Herbst, martinherbst25@gmail.com.

Please also refer to the **Information Officer's Commission** website, for guidance and further information: <https://ico.org.uk/>

Complaints

If you are dissatisfied about any aspect of the way in which your data is processed you may, in the first instance refer the matter to myself, Martin Herbst, martinherbst25@gmail.com. This does not affect your right to make a complaint to the Information Commissioner's Office.

You are also able to contact

- The Welsh Psychotherapy Partnership where I am a trainee member and practice: <http://www.welshpsychotherapy.org.uk>
- The UK Counsel for Psychotherapy (UKCP), my professional body: <https://www.psychotherapy.org.uk/>

Data Breaches

I am registered with the Information Commissioner's Office (ICO). I am required to report a data breach within 72 hours to the Information Commissioner's Office (ICO), The Welsh Psychotherapy Partnership and the UK Council for Psychotherapy (UKCP).

Appendix 1: The Information pathway.					
	From	How your information is obtained, protected and kept?	Why	How Long	3rd Parties
Referral Received	From website	Website cookies, Computer Anti-Virus Protected, Password Protected	In order to process your request	As of the 25 th May 2018, initial contact information that does not develop into contract is held for 2 weeks.	Google, Google Ads, Wix.com, Kaspersky Internet Security
	Mobile Phone	Mobile Phone Anti-virus software, Password protected	3 rd Party Privacy Policies and cookies apply		Google, AGV Mobile security, Vodafone
	Other Sources	Consent to contact checked with referral source			Depending on 3 rd Party
First Contact	Consent to contact, due to contact made	As above	In order to process your request. Response: email to email, phone call to phone call.	Will be deleted, unless progressing to assessment session	As above
Discussions	Consent to discuss requirements	As above	To establish requirements	If not agreed to work together: delete email, text message, phone number from email inbox, computer or phone	As above
	Consent to meet	As above	Keep contact details, record appointment - digital calendar	Information will be kept for 6 years from last date of contact	As above
First meeting	Discuss contract, Privacy, Opt in	Agreed to work together, see next point	See next point	See next point	As above
		Not agreed to work together, record data point, delete details as prior point	See next point	Information will be kept for 6 years from last date of contact	As above

Prepare to start therapeutic journey	From Contract, Contact Details form	Set up filing in a secure, metal, lockable cabinet	Legal requirement and best practice	Information will be kept for 6 years from last date of contact	As above, depending on our preferred methods of contact
		Client note with unique client code, stored with Core form.			
		File Contract and Contact details form separate to client notes and Core form.			
		Record telephone number, email address as agreed for contact			
		Record payment with unique code, no names or as agreed			
Therapy	Client notes	Update client notes with factual information - Locked away in metal cabinet	Legal requirement and best practice	Information will be kept for 6 years from last date of contact	By Courts, if required by Law
	Supervision	Prepare supervision report: personal reflection. Only share name and age. Report: prepare and save on password protected USB.	UKCP requirement Personal reflection on work	Delete within 2 weeks of Supervision	Unidentifiable information will be shared with a Supervisor
	Recording	Record session with consent, review. Add ethical / law issues to client notes. Delete recording	Best practice	Tapes are deleted within 2 weeks of session unless used for learning or required to be kept for ethical or legal reasons	Tapes are recorded on a hand held recorder not connected to the internet. Locked away in metal filing cabinet when not in use
Ending	Client Notes	As above	Legal requirement	Kept for 6 years from date of last meeting	By Courts, if required by Law
	Client Contact details	As above	Legal requirement	Kept for 6 years from date of last meeting	By Courts, if required by Law
Deletion	After 6 years – all documents and notes are shredded, unless required to be kept for legal reasons		The following 3 rd Parties may also be involved during and after our therapeutic journey: UK Council for Psychotherapy (UKCP), Welsh Psychotherapy Partnership (UKCP), Information Commissioner’s Office (ICO)		