

## PRIVACY AND CONFIDENTIALITY POLICY

### 1. Background

- a) **Michael Alexander MacKay Counselling & Psychotherapy – Clinical Supervision – Consulting** hereafter referred to as 'the organisation' has a legal duty under data protection law to ensure the privacy of all data subjects, e.g. counselling clients, supervisees, and organisations, by ensuring that their personal data is protected against unauthorised or unlawful processing and against accidental disclosure, loss, destruction or damage.

### 2. Purpose

- a) This policy sets out the organisation's approach to data protection and its commitment to ensuring the confidentiality of all client related information. This policy aims to mitigate the risk of any data protection breaches by the company and its representatives.

### 3. Scope

- a) This policy relates to all representatives of the organisation.
- b) This policy is relevant to the following types of personal data:
- Data which can identify an individual, including partial data which may be able to identify an individual when accessed in conjunction with other information, for example: name, address, date of birth. It does not include anonymised data.
  - Special category data including:
    - racial or ethnic origin;
    - political opinions;
    - religious or philosophical beliefs;
    - trade union membership;
    - genetic or biometric data;
    - health related information;
    - sexual orientation;
    - gender identity;
    - criminal convictions and offences.

### 4. Principles

- a) All personal data will be processed in accordance with key guiding principles as set out below. The organisation will comply with these principles and implement such processes and practices so as to demonstrate compliance with these principles.
- b) All personal data will be:
- processed fairly, lawfully and transparently;
  - collected and processed only for specified, explicit and legitimate purposes;
  - relevant and limited to what is necessary for the purposes for which it is processed;
  - accurate and kept up to date; any inaccuracies in data will be rectified without delay;

- not be kept for longer than is necessary for the purposes for which it is processed;
- processed, managed and retained securely.

#### 5. Rights of Data Subjects

- In its policy and practice, the organisation will aim to ensure the following rights of data subjects are upheld, and commits to taking immediate corrective action if risk to any of these rights are indicated.
- Data subjects have the right to:
  - Be informed as to how their personal data will be processed in language which is plain, concise, transparent and intelligible;
  - Access their personal data;
  - Ensure inaccuracies in their personal data are rectified.
  - Confirm that personal data has been deleted, in accordance with the data retention procedure contained in this policy, and in accordance with all legal and regulatory data retention requirements;
  - Restrict the processing of their personal data;
  - Be given their personal data in a portable form;
  - Object to the processing of their personal data;
- The organisation will implement procedures to facilitate the exercise of these rights by data subjects, and will notify data subjects in writing if it is not possible to comply with a data subjects' request pertaining to data, privacy and confidentiality, setting out the rationale for the decision and the process for appeal.

#### 6. Policy Statements

- All client related information is used only for the purpose it was provided, and will not be released to others without the consent of data subjects, with the exception of the following circumstances:
  - Where there are concerns that a client poses a significant risk to themselves and/or others, it is necessary to contact other relevant parties to reduce risk, and it has not been possible to obtain the client's consent;
  - Where there are concerns that a child under the age of 18 has been abused, or is at risk of abuse.
  - Where there is a legal requirement to disclose information.
- Client related information is obtained to ensure consistent, high quality services can be provided, and to ensure compliance with legislation.
- All client related records will be securely stored and retained for 7 years at which point they will be securely destroyed. Note that where legally required, records may be retained for a longer period.
- Clients can access their records via a written request at any time. Requests will be processed within 5 working days of receipt

- e) Where services are provided to clients who reside outside of the UK, the legal requirements of both jurisdictions as they pertain to data, privacy and confidentiality will be adhered to, with the exception of circumstances where another jurisdiction's legal requirements could result in a breach of UK legislation; in such circumstances, UK legislation will take precedence.

#### **7. Accountability**

- a) The organisation will implement appropriate technical and organisational measures to ensure compliance with data protection law and this policy.
- b) The organisation will review this policy annually to ensure its currency and effectiveness. The organisation will also review this policy following any breaches or the identification of risks which could result in breaches, and implement improvements as required.

\*The terms 'client' refers to individual counselling clients, supervisees and consulting clients.

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