

# INSTITUTE OF FAMILY THERAPY

## DATA PROTECTION POLICY for

### CLIENTS



## 1 OVERVIEW AND SCOPE

- a. The Institute of Family Therapy (IFT) takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. To comply with the law, data must be collected and used appropriately, stored securely and not disclosed to any unauthorised person. We will comply with our legal obligations under the Data Protection Act 2018 (the '**2018 Act**') and the EU General Data Protection Regulation ('**GDPR**') in respect of data privacy and security. We have a duty to notify you of the information covered by this Policy.
- b. IFT is the '**data controller**' for the purposes of your '**personal data**'. This means that IFT determines the purpose and means of the processing of your personal data and, within IFT, responsibility for co-ordinating this lies with the '**Data Protection Officer**' (DPO), the Director of Operations.
- c. This Policy explains how IFT will hold and process your personal data. It explains your rights as a data subject. It also explains your obligations if you should obtain, handle, process or store personal data in the course of your contact with IFT.
- d. This Policy applies to **clients**. You should read this Policy alongside any written form of agreement that exists between us and any other notice we issue to you from time to time in relation to your data. (Similar but separate Policies apply to a) Staff and b) Sessional staff, students, IFT members and those on IFT's mailing lists.)
- e. This Policy does not form part of any contractual relationship with you but it is intended that this Policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this Policy, the Company intends to comply with the 2018 Act and the GDPR.
- f. IFT will not sell your data, keep your personal data for longer than is necessary or make your personal data available to third parties, other than stated below.

## 2 DATA PROTECTION PRINCIPLES

- a. IFT is a training provider and a provider of therapy to clients, and therefore has a legitimate interest in holding and processing data. We will collect, use and hold personal data about you, dependent on the nature of your involvement with IFT, as set out in this Policy.
- b. Personal data must be processed in accordance with six '**Data Protection Principles.**' It must:
  - be processed fairly, lawfully and transparently;
  - be collected and processed only for specified, explicit and legitimate purposes;
  - be adequate, relevant and limited to what is necessary for the purposes it is processed;
  - be accurate and kept up to date (inaccurate data must be deleted or rectified without delay);
  - not be kept for longer than is necessary for the purposes it is processed; and
  - be processed securely.

IFT is accountable for these principles and must be able to show that it is compliant.

## 3 HOW WE DEFINE PERSONAL DATA

- a. '**Personal data**' means information that relates to a living person who can be **identified** as a specific data subject from this data, either on its own or when taken together with other information that is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us, or others, in respect of that person. It does not include anonymised data.
- b. Although the personal data held by IFT on data subjects will vary by virtue of their relationship with IFT – eg, employee, therapist, client, clients' family members, student, external examiner, IFT member – the same duties and obligations apply equally to all IFT's data subjects.
- c. This Policy applies to all personal data, whether stored electronically, on paper or otherwise.
- d. This personal data is most likely to be provided to us by you – for example, when you register for therapy and during a therapy session - although it may be added to from time to time by a therapist or supervisor. It will include:
  - Information contained in the formal agreement that you sign prior to the commencement of the therapy, including name and address, phone number(s) and email address

- Recordings (DVDs) of all the therapy sessions in which you participate. These recordings are held securely by IFT. If a student who has conducted a therapy session wishes to take the information away from ITF premises – for example, to review their performance in the session – this may be done only by placing a copy of the recording onto an encrypted USB stick and signing the relevant log book
- Any other category of personal data of which we may notify you from time to time
- Any other information which you may from time to time provide

#### **4 DATA PROCESSING**

**‘Processing’** means any operation that is performed on personal data, such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data that forms part of a filing system and any automated processing of information.

#### **5 HOW WE PROCESS YOUR PERSONAL DATA**

- a. IFT will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.
- b. We will use your personal data:
  - to comply with any legal obligation; or
  - to manage the working relationship between us; or
  - if it is necessary for our legitimate interests (or for the legitimate interests of someone else). We can do this only if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights in Section 11 below.
- c. We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

#### **6 EXAMPLES OF WHEN WE MIGHT PROCESS YOUR PERSONAL DATA**

- a. We may have to process your personal data in the course of conducting our relationship with you. We can do so if we have your explicit consent. If we were to ask for your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Director of Operations.
- b. The law states that we do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:
  - where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
  - where you have made the data public;
  - where processing is necessary for the establishment, exercise or defence of legal claims
- c. We might process your personal data in respect of your racial or ethnic origin, as referred to in Section 4, in relation to monitoring equal opportunities.

## **8. SHARING YOUR PERSONAL DATA**

- a. We do not expect to need to share your data, other than as described in Section 3.
- b. Therapy sessions are confidential and we do not usually share information relating to you with anyone outside IFT.

Exceptionally, in the event of a serious concern for the immediate safety of someone, it might be necessary to consult another service. Wherever possible, we would discuss this with you first. However, on rare occasions it might be necessary to proceed without prior discussion with you or without your agreement.

## **9. HOW TO DEAL WITH DATA BREACHES**

- a. We have robust measures in place to minimise and prevent data breaches taking place.
- b. If a breach of personal data occurs (whether in respect of you or someone else) we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, we must notify the Information Commissioner's Office within 72 hours.
- c. If you are aware of a data breach you must contact the Director of Operations immediately and keep any evidence you have in relation to the breach.

## **10. SUBJECT ACCESS REQUESTS (SAR)**

- a. All records are kept securely.
- b. The law states that if you would like to make an **SAR** in relation to your own personal data you should make this in writing to the Director of Operations. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.
- c. There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.
- d. Alternatively, you may have access to your own records by making a request to the Director of Operations. This would be on IFT premises and under the supervision of a member of staff.
  - i. Access to written notes – written consent of all parties involved in the sessions has to be secured before notes can be accessed, otherwise all reference to other parties will be redacted.
  - ii. Access to view dvd recordings – written consent of all parties on the recordings has to be secured before dvds can be viewed.

## **11. YOUR DATA SUBJECT RIGHTS**

- a. You have the right to information about what personal data we process, how and on what basis, as set out in this Policy.
- b. You have the right to access your own personal data by way of an SAR or by requesting this via the Director of Operations.
- c. You can correct any inaccuracies in your personal data. To do so, you should contact the Director of Operations.
- d. You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose for which it was collected. To do so you should contact The Director of Operations.
- e. While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Director of Operations.
- f. You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.

- g. You have the right to object if we process your personal data for direct marketing purposes.
- h. You have the right to be notified of a data security breach concerning your personal data.
- i. In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Director of Operations.
- j. You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office (ICO) direct. Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.

## **12. RETENTION OF DATA**

Personal data is held for up to seven years following the completion of the therapy, and is then confidentially destroyed. However, dvd recordings of therapy sessions are securely destroyed at the end of the training cohort concerned, which will usually be a maximum of 2 years, but occasionally a maximum of 4 years.