

Hannah Russell Counselling - Privacy Policy

1. Introduction

In line with the National Counselling & Psychotherapy Society's Code of Ethical Practice¹ and UK data protection requirements, including the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, this policy outlines how, as a Data Controller, I collect, store and use your information and how I protect your privacy and data rights.

1.1 Lawful basis for processing your information

I process your personal information where this is necessary to provide counselling, manage and administer my practice, and meet my legal and professional responsibilities.

My lawful bases for processing your personal information under UK GDPR may include contract, legal obligation and legitimate interests, depending on the purpose for which the information is being processed.

1.2 Special category data

Some of the information you may share with me, particularly information about your physical or mental health, is classed as special category data under UK GDPR.

Where I process special category data, I will do so in accordance with the UK GDPR and Data Protection Act 2018, using an appropriate Article 9 condition. This may include processing that is necessary for the provision of health care.

I will collect and retain only information that is reasonably necessary for the purposes described in this policy and will take appropriate technical and organisational measures to protect your personal information.

2. How do I collect, process and protect your personal information?

2.1 Initial enquiry

If you send me an email, text or call my phone with an enquiry about my service, I will use this, and any further information you provide, to understand your needs and answer any questions you might have.

If you have placed an enquiry about my service via a third-party website, I will use this, and any further information you provide, to respond to your enquiry.

Information relating to an initial enquiry will be stored securely; the email account, mobile phones and computers I use for my counselling practice are protected by appropriate passwords and other security measures.

I will normally delete enquiry emails, messages, contact details and responses no later than one month after the last contact relating to the enquiry, unless there is a specific reason why the information needs to be retained for longer, such as where the enquiry develops into a counselling relationship or where I have a legitimate need to retain the information for longer.

¹ <https://ncps.com/assets/uploads/docs/cs/NCPS-Code-of-Ethics-Nov-23.pdf>

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2.2 Record keeping

In order to confirm an Initial Consultation appointment I require receipt of a completed and signed Client Information Form for each client along with a signed Working Agreement for either each individual client (individual counselling) or for each couple (couple counselling) which sets out our shared responsibilities to each other.

Information requested within the Client Information Form is as follows:

- Biographical information: your first name, last name, gender and date of birth.
- Contact details: postal address, email address and phone number/s.
- Emergency contact details and GP contact details.

This information may be used to:

- Contact you in relation to counselling appointments and queries;
- Provide you with information about my service;
- Provide information about external services where appropriate;
- Administer my practice, including invoicing, recording payments and meeting applicable accounting and tax requirements; and
- Support appropriate action where there is a significant concern about your safety or the safety of another person.

I use a case-numbering system for counselling records. Each client is allocated a unique case number. Your name is linked to your case number through a securely protected casework key which is held separately from your case file information.

Your case file is made up of both electronic and paper components.

Your Client Information Form and Working Agreement are stored securely within your electronic case file under your case number. Electronic records are protected by appropriate technical and organisational security measures.

I make handwritten notes during and/or shortly following the initial consultation and any subsequent counselling sessions. These are referred to as casework notes. Casework notes are stored in a locked filing cabinet within your paper-based client case file, identifiable by case number rather than by your name.

Within your paper casework file I will also store any other information relevant to our therapeutic work together, for example, any assessments or risk assessments, safety plans, safeguarding information, notes relating to supervision or any other relevant clinical information to support safe and effective counselling.

Counselling records are kept securely and confidentially in accordance with my professional and ethical responsibilities, data protection requirements and my record-keeping arrangements.

I will retain counselling and related client records for 7 years after the end of counselling, unless there is a specific and documented reason why a different retention period is necessary.

At the end of the applicable retention period, records will be securely destroyed or permanently deleted, subject to any specific legal, professional, insurance or other legitimate reason requiring longer retention.

Routine emails, text messages and voicemails relating to our work together will normally be deleted within one month of the relevant communication.

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Where information contained in such communication is relevant to the counselling record, I may incorporate the information into the casework record, either as note within your paper-based case file or, where appropriate, in the form of an electronic copy of the original communication in your electronic case file, and retain it for the applicable retention period.

I also maintain an electronic appointment diary. The appointment diary contains your case number together with the date and time of appointments. Information in the electronic appointment diary will normally be retained for no longer than two weeks after the end of the month in which the appointment took place, unless the information needs to be retained for another legitimate purpose.

I take appropriate technical and organisational measures to protect your personal information and counselling records against unauthorised access, loss, alteration or disclosure.

2.3 Financial Information

Invoices are stored securely on a password-protected computer and are identified using your pseudonymised case number and the date of the appointment.

Where you pay by bank transfer, my bank statements may contain your name and payment information. These records are processed and retained as part of my financial and tax record-keeping responsibilities. I bank with NatWest and their Privacy Policy can be found here: <https://www.natwest.com/privacy-policy.html>

I use SAGE as a secure, web-based accounting system. SAGE is used for financial reporting and His Majesty's Revenue & Customs (HMRC) Making Tax Digital requirements where applicable. I may upload invoices to SAGE and may electronically link my business bank account to SAGE for accounting purposes.

Where your name or payment details appear on financial records or bank statements that are processed through SAGE, that information may therefore be stored within SAGE.

SAGE acts as a separate service provider and has its own privacy and data-protection arrangements. SAGE's privacy policy can be accessed here: <https://www.sage.com/en-gb/legal/privacy/>

Financial information may need to be retained so that I can meet tax and accounting obligations and respond to legitimate requests from HMRC or other authorities where legally required.

Financial records are subject to separate tax and accounting retention requirements. For self-employed business records, HMRC currently requires records to be retained for at least 5 years after the relevant 31 January Self Assessment deadline, subject to circumstances that may require longer retention.

3. Confidentiality

I maintain confidentiality in accordance with the National Counselling & Psychotherapy Society's Code of Ethical Practice, and handle your personal information in accordance with UK data protection requirements, including the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.

Information shared with me in counselling will normally remain confidential. However, there are circumstances in which confidentiality may need to be limited or information may need to be shared.

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3.1 Exceptions to confidentiality

Supervision

It is a professional requirement of the National Counselling and Psychotherapy Society's Code of Ethical Practice that I have regular supervision. When I discuss casework during supervision, I have a duty to keep references to your material anonymous.

I will add any notes taken by me during supervision directly to your paper case file. My supervisors are appropriately qualified and accredited professionals and are bound by the confidentiality requirements of their professional and accrediting organisations.

I belong to a peer support group comprised of similarly qualified relationship counsellors who are also bound by strict confidentiality rules. I discuss casework within this group in order to gain other professional views which helps to support and develop my own practice. When discussing casework I do so using anonymised information and do not disclose information that would enable you or others to be identified. If you would prefer that your material is not discussed within my peer support group, please let me know prior to, or at any time during, us working together.

Preventing Harm to Self or Others

If I become concerned that you, someone else or the wider public may be at significant risk of harm, I may need to share relevant information with an appropriate external agency, such as your GP, the Police or local Children's Services.

Wherever possible, I would discuss this with you first, unless I felt that doing so could increase the risk.

The information shared will be limited to what is reasonably necessary for the purpose.

Couple counselling

Where I provide counselling to a couple, information shared during a joint session is understood to be available to both members of the couple.

There may also be circumstances in which I meet with both members of a couple individually. Information shared with me during an individual appointment will normally be treated as confidential and will not be shared with the other member of the couple unless:

- The individual gives express permission for it to be shared;
- The information is subsequently raised by that individual in a future joint session, in which case I would take that individual's lead about what they are comfortable to share; or
- I need to share information to address a significant risk to safety - please see the 'Preventing harm to self or others' section above.

All communication outside of counselling sessions will normally be three-way, between myself and both members of the couple together, unless there is a specific safety or safeguarding reason for communicating otherwise.

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Professional executor

In line with good practice in the profession, I have appointed a qualified counsellor as my professional executor. In the event of my serious illness, incapacity or death during the course of our work together, they would be given access to your name and contact details only. They will then contact you to inform you and to support you to find a new therapist if you wish.

If I am unexpectedly unavailable for a shorter period because of an emergency or other urgent issue, I will contact you using an agreed method of communication wherever possible. If I am unable to contact you personally, my professional executor will do so on my behalf.

GP or other health professional

If you are being treated by your GP and/or working with another mental health professional regarding issues relating to your emotional health and wellbeing, it is important that you inform them that you are working with me, and me that you are working with them, including sharing with me information about any medication that may impact on our work.

If we find that there is a need for me to communicate with your GP or other professional, I will only do this with your knowledge and permission, except in the case of significant risk or a legal requirement.

Other circumstances where information may need to be shared

There are a small number of circumstances where I may need to share information because the law requires me to do so. This may include certain safeguarding situations or if I am required by a court to provide evidence, release records or give evidence. Wherever possible, I would aim to discuss this with you in advance.

I may also need to seek advice from my legal advisers where this is necessary to protect or defend my professional or legal rights, for example if a complaint were made against me.

Any information shared would be limited to information reasonably necessary for the particular purpose.

Permissions

With your specific permission, I may use a testimonial or quote from you on my website for marketing purposes. In this situation, I will agree with you in advance what information or wording will be used.

3.2 Requesting to see your data

You have the right to request a copy of the personal information I hold about you. This is known as a Subject Access Request (SAR).

You can make a request verbally or in writing. I will normally respond without undue delay and within one month of receiving your request and any information reasonably required to verify your identity.

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In some circumstances, where a request is complex or you have made a number of requests, the response period may be extended by up to a further two months. Where an extension is necessary, I will tell you within the first month and explain why.

Information will normally be provided electronically.

There are circumstances in which some information may need to be withheld or redacted, including where disclosure would reveal information relating to another person or where a legal exemption applies.

Couples

Where counselling is provided to a couple, each individual has a right to request access to information held about them.

Information shared with me privately by one member of the couple during an individual counselling appointment will normally be treated as confidential and will not be shared with the other member of the couple simply because they have also received counselling from me.

If one individual requests access to information that also contains information relating to the other member of the couple, I will protect the confidentiality and privacy of each person when deciding what information can be provided. Where both members of a couple jointly request access to their counselling records, I will consider the information contained in the records and the confidentiality and privacy of each individual before deciding what can be provided to each person.

Information shared during joint counselling sessions may be available to both members of the couple, whereas information shared privately during an individual appointment will continue to be treated as confidential to the individual who shared it, unless there is a lawful basis for sharing it.

3.3 Controlling your personal information

Your rights

You have a number of rights in relation to your personal information. These rights apply in certain circumstances and may be subject to legal exceptions.

These may include the right to:

- Ask for inaccurate personal information to be corrected;
- Ask for incomplete information to be completed;
- Request access to your personal information;
- Request deletion of your personal information in certain circumstances;
- Request restriction of processing in certain circumstances;
- Object to certain processing; and
- Withdraw your consent where I am relying on consent as the lawful basis for processing.

Requests can be made verbally or in writing.

I will respond within the applicable legal time limit, normally within one calendar month. Where the law permits an extension, I will let you know and explain the reason for the extension.

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Your right to deletion is not absolute. There are circumstances where I may need to retain personal information, for example where this is necessary to comply with a legal requirement or to establish, exercise or defend legal claims.

Similarly, your right to restrict or object to processing is not absolute. There may be circumstances where I need to continue processing information because I have a legal obligation or another lawful basis for doing so.

If you have concerns about how I hold your data

I am registered with the Information Commissioner's Office (ICO) as a Data Controller. My ICO registration number is ZB204169.

If you have any concerns about how I collect, use, store or otherwise handle your personal information, I would encourage you to contact me in the first instance. You can raise your concern verbally or in writing. I will take your concerns seriously and aim to address them promptly.

You also have the right to complain directly to the Information Commissioner's Office if you are concerned about the way your personal information has been handled: <https://ico.org.uk/for-the-public/how-to-make-a-data-protection-complaint>

Personal data breaches

I take the confidentiality and security of your personal information very seriously and take appropriate steps to protect it. While I take care to prevent personal data breaches, in the unlikely event that one occurs, I will take appropriate steps to understand what has happened, assess any potential risk to your personal information and contain the breach. I will also take appropriate steps to reduce any potential harm.

Where a breach is required to be reported to the ICO, I will do so without undue delay and, where feasible, within 72 hours of becoming aware of it.

If a breach is likely to result in a high risk to your rights and freedoms, I will inform you without undue delay and explain what has happened, what I have done to address it and, where appropriate, anything you can do to protect yourself.

4. Information Technology

4.1 Website, phone, text, email and third-party website communication

By visiting the hannahrussellcounselling.co.uk website you accept and consent to the terms described in this privacy policy.

Transmission of data and information via my website is not a secure or encrypted transmission method for sending your personal data.

Similarly, when you send personal information to me by email, text message, telephone or voicemail, there are inherent risks associated with transmitting information electronically or over a telephone network. Although the email account, mobile phones and computers I use for my counselling practice are protected by appropriate passwords and other security measures, I cannot guarantee the security of information while it is being transmitted.

If you contact me through a third-party website or platform, that website or platform will have its own privacy policy and terms explaining how it collects, uses, stores and protects your

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personal information. I am not responsible for the third party's own processing of your personal information. Once I receive your personal information, I will process and protect it in accordance with this Privacy Policy and applicable data protection law.

3.2 Cookies

Cookies are small pieces of data, stored in text files, that are stored on your computer or other devices when websites are loaded into a browser. They are widely used to 'remember' you and your preferences, either for a single visit (through a 'session cookie') or for multiple repeat visits (using a 'persistent cookie'). They ensure a consistent and efficient experience for visitors and perform essential functions such as allowing users to register and remain logged in. Cookies may be set by the site that you are visiting (known as 'first-party cookies'), or by third parties, such as those who serve content or provide advertising or analytics services on the website ('third-party cookies').

3.3 Google Analytics

When you visit my website at www.hannahrussellcounselling.co.uk, I use Google Analytics, a third-party service, to help me understand how visitors use my website.

Google Analytics uses cookies and similar technologies to collect information about visits to the website, such as which pages are visited and how the website is used. I use this information to identify ways in which I can make improvements to the site. The information collected does not identify you personally to me. Google has its own privacy policy explaining how it handles information collected through its services: <https://policies.google.com/privacy>

Information about Google Analytics opt-out can be found here: <https://tools.google.com/dlpage/gaoptout>

3.4 Computer Hardware

When hardware used to manage and administrate Hannah Russell Counselling (e.g.; personal computer and mobile phone) are decommissioned, this will be managed in a way that will ensure no data breaches can occur. In the case of my personal computer, I will remove the hard drive and have it securely destroyed. In the case of my mobile phone, any SIM cards will be securely destroyed and the phone returned to factory reset settings.