

Apricot Centre Wellbeing Service (ACWS)

Service User Data Privacy Notice

1. Introduction

- 1.1 This privacy notice tells you what to expect when we collect your personal information. How we ('explicitly') ask for your consent. Why we need your data. How it will be used. How it will be stored. Who it will be shared with. How long it will be kept. We are committed to safeguarding the privacy of all clients of the Apricot Centre Wellbeing Service
- 1.2 This policy applies where we are acting as a data controller and data processor with respect to the personal data of all clients of the Apricot Centre Wellbeing Service; in other words, where we determine the purposes and means of the processing of that personal data, and when we undertake therapeutic work and coordination we process your data.
- 1.3 In this policy, "we", "us" and "our" refer to *Apricot Centre CIC*. [For more information about us, see Section 13.]

2. Credit

- 2.1 This document was created using a template from SEQ Legal (<https://seqlegal.com>).

3. How we use your personal data

- 3.1 In this Section 3 we have set out:
 - (a) the general categories of personal data that we may process;
 - (b) in the case of personal data that we did not obtain directly from you, the source and specific categories of that data;
 - (c) the purposes for which we may process personal data; and
 - (d) the legal bases of the processing.
- 3.2
 - (a) To provide therapeutic or mentoring services or assessments we need to process some data/information about you. It is important that our clients are able to consent for each different proposed use of data, and therefore you will not be asked to give blanket consent. If you withdraw consent to process some of your data we will still aim to provide therapeutic services where possible. For these services the legal basis for processing your data is "**explicit consent**" (which means freely given, specific, informed and unambiguous indication of our client's

wishes, in which an agreement is made for how personal data relating to him or her is to be used for healthcare purposes. Consent agreements are reviewed over time; during the referral period (Referral Form), at the start of therapy/mentoring (Therapy/Mentoring Plan), and at review points during the work (Review Form). For us to have your explicit consent we will ask you to opt-in to specific data uses or ask you to make a declaratory statement.

- (b) In the case of training, facilitation, consultancy and coaching the legal basis for processing your data is by "**contract**".
- 3.3 We may process your "**account data**". The account data may include your name, role, email, telephone number, address. The source of the account data is you or your supporting agency. The account data may be processed for the purposes of providing our services, maintaining back-ups of our databases and communicating with you. Account data is kept on the following systems; SuiteCRM and QBonline
- 3.8 We may process information relating to your client relationships, including client contact information ("**client relationship data**"). This may include your name, your job title or role, and any other details given in engaging with a client. The client relationship data may be processed for the purposes of managing our relationships with clients, communicating with clients, keeping records of those communications and requesting feedback or evaluation from clients or their supporting agencies/carers. Client relationship data is kept on the following systems; SuiteCRM and GSuite (Drive and Gmails)
- 3.9. We process "**clinical notes data**" information recording the basic clinical details of therapeutic or mentoring sessions. These are stored on our SuiteCRM system or in a client folder on GDrive. The Apricot Centre will need to keep practitioners clinical notes for up to six years as this is the timeframe within which someone can take legal action against their therapist after therapy has ended. However, this time limit is extended for children to six years after their eighteenth birthday or for people who have no capacity to take an action within the timeframe (severe mental health problems, etc.). If evidence is convincing, the court may allow a case to proceed even after the deadline has elapsed as it has discretion to do so. Clinical Notes data is kept on the following systems; SuiteCRM and GSuite (Drive)
- 3.10. We process "**process notes data**" information recording details of therapeutic process or mentoring process sessions. Process notes are kept briefly in handwritten form or on our GDrive in the clients folder. Process notes may include references to the practitioner. Our practitioners are advised that process notes should be shredded and disposed of like other confidential material as soon as possible (this is often following supervision) and that only clinical notes should be kept for longer periods. For trainees, process notes should be kept until confirmation of qualification award, following submission of written work to meet academic requirements. Process

Notes data may be kept on the following systems; SuiteCRM, GSuite (Drive), handwritten in client folder in filing cabinet.

- 3.11. We process "**creative media data**" - Details about you as a practitioner may appear in; Physical and digital media (written, audio, photographic, video), artwork, sound files, creative project work, related to therapeutic work. You are responsible for your appearance within any creative media used as part of our services. Creative data may be kept on the following systems; GSuite (Drive), client folder in filing cabinet, in confidential cupboard within therapy room.
- 3.12 We may process "**correspondence data**" information contained in or relating to any communication between yourself and ACWS or yourself and your clients or other agencies. The correspondence data may include the communication content and metadata associated with the communication. The correspondence data may be processed for the purposes of auditing communications and record-keeping. Correspondence data may be kept on the following systems; SuiteCRM (copied email notes or record of telephone conversation), GSuite (Scanned or saved onto GDrive, gmail).
- 3.14 We may process any of your personal or professional data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 3.15 We may process a minimal amount of your personal or professional data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 3.16 In addition to the specific purposes for which we may process your personal data set out in this Section 3, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

4. Providing your personal data to others

- 4.3 We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.4 Financial transactions relating to your work with the ACWS service may be handled by our payment services providers (our Bank and/or *QuickBooks*

Online). We will share transaction data with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds. Your invoices to us are kept in GDrive in the 'Awaiting Payments' folder until they are processed and are transferred to the 'Payments Made' folder. Details of your invoice is also included in our Invoicing Spreadsheet so that we can effectively track payments. These documents are all held in the Finance folder on GDrive.

- 4.6 In addition to the specific disclosures of personal or professional data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.7 We use a number of different services to communicate with clients and mentees and event delegates. For Therapeutic or Mentoring contracts there may be benefits in you supplying your mobile number to service users for scheduling and anonymised and non-identifying communication for the period of therapy/mentoring only. Occasionally it may also be of benefit therapeutic planning to make use of email, end-to-end encrypted chat services or text messaging in order to communicate. Please only use your personal mobile or chat/texting system if you feel content and secure to do so. Please never use your personal email with clients. We will not give your personal mobile number to clients without your explicit consent to do so.

5. International transfers of your personal data

- 5.2 We are based in the United Kingdom. The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to each of these countries will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the European Commission, a copy of which can be obtained from their website.
- 5.3 The hosting facilities for our Customer Relationships Management (SuiteCRM) and G Suite are situated in *London and the EU respectively*. ACWS uses G Suite to process personal data. Google comply with the legislation set out under Relevant Legislation. Google is based in the USA and is EU-U.S Privacy Shield compliant.
- 5.4 You acknowledge that any personal or professional data submitted by you for publication through the link on our website to twitter or facebook may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others. We will not use your personal or professional data in this way without your explicit consent.

6. Retaining and deleting personal data

- 6.1 This Section 6 sets out our data retention policies and procedures, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 6.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 We will retain your personal data as follows (in accordance with advice from our insurers, and social and health related law:
- (a) All cases of health related records will be kept for at least 7 years following the last occasion on which treatment was given.
 - (b) In the case of treatment to minors, records will be kept for at least 7 years after they reach the age of majority (18).
 - (c) In the case of treatment of looked-after young people (where care leaver support extends to age 25), legislation requires that a child's case record must be kept until the 75th anniversary of his/her date of birth. Any redundant records are shredded. Non-active cases are archived and are kept for up to 100 years. If Apricot Centre Wellbeing Service is no longer able to continue, these records will be sent to the local authority fostering agency in which the child was last known to be living.
 - (d) In the case of treatment to adopted young people, all records are kept in compliance with Regulation 6 of The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005, which means that Apricot Centre Wellbeing Service must keep information relating to section 56 of the Adoption and Children Act 2002 about a person's adoption for at least 100 years from the date of the adoption order. Any redundant records are shredded. Non-active cases are archived and are kept for up to 100 years. If Apricot Centre Wellbeing Service is no longer able to continue, these records will be sent to the local authority adoption agency in which the child was last known to be living.
- 6.5 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

7. Data Breaches

- 7.1 We undertake to report any data breach to the data protection regulator within 72 hours, and we will also inform those affected by the breach including, clients, family members, support agencies. Data breaches will be recorded as incidents and followed-up until satisfactorily dealt with.

8. Amendments

- 8.1 We may update this policy from time to time by publishing a new version on our website.
- 8.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 8.3 We may notify you of significant changes to this policy by email, by word of mouth or by letter.

9. Your rights

- 9.1 In this Section 9, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 9.2 Your principal rights under data protection law are:
 - (a) the right to access;
 - (b) the right to rectification;
 - (c) the right to erasure (also known as 'the right to be forgotten'), this right is not absolute and only applies in certain circumstances;
 - (d) the right to restrict processing;
 - (e) the right to object to processing;
 - (f) the right to data portability;
 - (g) the right to complain to a supervisory authority; and
 - (h) the right to withdraw explicit consent.
- 9.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.
- 9.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.

- 9.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw explicit consent to explicit consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.
- 9.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your explicit consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 9.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 9.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 9.10 To the extent that the legal basis for our processing of your personal data is:
- (a) explicit consent; or
 - (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract,

and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

- 9.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 9.12 To the extent that the legal basis for our processing of your personal information is explicit consent, you have the right to withdraw that explicit consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 9.13 You may exercise any of your rights in relation to your personal data [by written notice to us.

13. Our details

- 13.1 Apricot Centre Wellbeing Services are owned and operated by Directors of *Apricot Centre CIC*.
- 13.2 We are registered Apricot Centre Wellbeing Service is a Community Interest in England and Wales under registration number Company No: 07298409, and our business registered office is at Huxhams Cross Farm, Rattery Lane, Dartington, Totnes. TQ9 6AA .
- 13.3 Our principal place of business is at at Huxhams Cross Farm, Rattery Lane, Dartington, Totnes. TQ9 6AA and at Red Gables, Ipswich Road,, Stowmarket, IP14 1BE.
- 13.4 You can contact us:
- (a) by post, to the postal address given above;
 - (b) by telephone, on the contact number/s published on our website from time to time; or
 - (c) by email, using the email address published on our website from time to time.

14. Data protection officer

- 14.1 Our ACWS data protection officer's contact details are: *Mark O'Connell* - consent@apricotcentre.co.uk