



banish the crows
independent
counselling psychotherapy

Privacy Statement and Agreement

Pursuant of General Data Protection Regulations (GDPR)

Jeremy Boughey

Integrative Psychotherapist (MBACP)

PGDIP Psychotherapeutic Counselling (Staffordshire)

MSC Health Care Policy & Management (Birmingham)

Director

‘Banish the Crows’

Updated October 2018

DATA CONTROLLER:

JEREMY BOUGHEY

1. I, **JEREMY BOUGHEY** am collecting your name, home address, and email and telephone contact number for the purposes of identifying you, and enabling me to make contact with you both routinely and non-routinely, for example, in urgent or emergency situations, by telephone, text or email, or in less likely circumstances, by post.
2. I will **NOT** share your data with any other individuals, agencies, or organisations unless I have a legitimate concern for either your own or someone else's safety and wellbeing. In the rare circumstances that disclosure might become necessary, or be legally required – and this could include the criminal justice agencies, such as the police, I will always endeavour to inform you of my intention to do so and wherever practicable, involve you in the decision to disclose. In certain circumstances you may instruct me to share some of all of your clinical records with another agency – should this be the case I will approach you to sign a Consent to Third Party Disclosure authorisation form before doing so and involve you in the review of any records held about you, before making the disclosure.
3. In the event that I am taken seriously ill or have a serious accident and am therefore incapacitated and therefore prevented from making contact with you, or if I die during the therapy episode, my nominated colleague, **LYNNE HARMON**, who is a BACP Registered Counsellor Psychotherapist and works as an Associate Therapist at Banish the Crows will be instructed to access my client register (name, email address and telephone number only). LYNNE is then permitted by me to contact you to explain my personal situation and to make an offer of support to you. You are at liberty to decline any support offered by her.
4. No paper records of any kind relating to you will be held by Banish the Crows. Any paper records created for the purpose of the therapy will be converted to electronic medium and the paper copy destroyed securely. All clinical records are made and stored electronically in WriteUpp, an EU cloud-based clinical records computer management system. My personal computer equipment is password protected and WriteUpp uses both password and authenticator codes to restrict unauthorised access.
5. Unless specific erasure of your records are formally requested by you, all records pertaining to you that are held by Banish the Crows will be retained securely for a maximum of 7 years following the ending of the therapy relationship. This is a requirement of my insuring body.

6. Telephone numbers and any text or app-based conversations between me as the 'data controller' and you as the 'data subject' (hereafter 'us/we both') will be maintained only for the period that we are working together therapeutically, and for 6 months thereafter, following which I will delete any numbers and messages between us. My mobile devices are password and biometrically protected.
7. Emails generated between us both will be maintained only for the period that we are working together therapeutically, and for 6 months thereafter, following which I will delete the correspondence.
8. This Privacy Statement and Agreement will be provided back to you once we both denote our understanding and agreement by signing this document. By signing this document you are also denoting your Agreement to the terms and conditions contained within the Banish the Crows [Pre-Therapy Information and Therapeutic Agreement](#) (hereafter 'Whole Agreement') provided to you prior to your therapy episode commencing. I will scan a copy of the Privacy Statement and Agreement to your clinical record stored by Banish the Crows.
9. Below is a summary of rights referred to in paragraph 30 of the Whole Agreement document.

General Data Protection Regulations (GDPR)

10. The EU GDPR came into force in 2018. The Regulations apply to all European states, including the UK. The Regulations replace the UK Data Protection Act 1998 and compliance will be overseen in the UK by the [Information Commissioner's Office \(ICO\)](#).
11. The [GDPR](#) affects how counsellors, psychotherapists and counselling and psychotherapy services (the 'data controllers') store and use sensitive, personal client data (the 'data subjects') and the client's rights to access and request erasure of their data, including when it is held by another person or organisation, such as an IT company (the 'data processor').

This includes information about a client's:

- Racial or ethnic origin
- Political opinion
- Religious belief or belief of a similar nature
- Physical or mental health condition
- Sex life
- Criminality, alleged or proven
- Criminal proceedings, their disposal and sentencing
- Genetic data, and
- Biometric data, where it uniquely identifies an individual.

Personal data relating to criminal convictions and offences are not included, but similar, additional safeguards apply to their processing, as set out in the Regulations.

12. Rights of you, the client. The recording and use of sensitive personal data require your explicit consent. A separate Data Protection Privacy Statement (see Appendix 1) appends this Whole Agreement, whereby you will be provided with an opportunity to formally confirm your understanding of your legal rights as the 'data subject'.

13. The right of erasure. Under GDPR you the client can ask for your personal data held by Banish the Crows to be erased and to prevent further processing:

- Where the personal data are no longer necessary for the purpose for which they were originally collected/processed
- When you withdraw your consent to records being made and held
- When you object to the processing and there is no overriding legitimate interest for Banish the Crows to continue the processing of your data
- If you believe that your personal data is or has been unlawfully processed by Banish the Crows – in breach of GDPR
- Where erasure is required as a legal obligation
- Where your personal data is processed in relation to the offer of online services to a child

Banish the Crows *can* refuse to comply with your request for erasure where your personal data is held:



- To exercise the right of freedom of expression and information
- To comply with a legal obligation (to retain it) or in the public interest, or the exercise of official authority
- For public health purposes that are in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes, or
- In the exercise or defence of legal claims

There are additional requirements when the request for erasure relates to children's personal data. This is because a child may not have been fully aware of the risks involved in the processing at the time of consent being secured.

14. Your right to data portability. Under the GDPR you can request and reuse your personal data for your own purposes across different services. If we receive a request from you to transfer your personal data, we will provide it in a structured, commonly used and machine readable form, free of any charge to you.

15. **Your right of access.** You will have the right to request to see the information that is being held about you, whether these are electronic or manually stored records. Your request should be made to Banish the Crows in writing and you should expect to be given access within a calendar month of your request being acknowledged by us, free of any charge to you. If you believe any record held about you to be incorrect or inaccurate in any way then you can ask for it to be corrected by us, with agreement of your individual therapist. If there is a disagreement between us about the accuracy of any records that we hold about you then an additional note will be added to the record by your therapist to acknowledge your objections to what it recorded about you.

DATA & AGREEMENT:

My NAME	
My home ADDRESS / usual place of residence	
My LANDLINE and/or MOBILE telephone contact number	 
My personal EMAIL address	
EMERGENCY CONTACT – Name/telephone contact number/relationship	
GP and/or other relevant medical professional Name/practice/address /telephone contact number	

Do you agree to JEREMY BOUGHEY T/A BANISH THE CROWS INDEPENDENT COUNSELLING PSYCHOTHERAPY using your data in the way described in this Privacy Statement and Agreement? Please write either <u>YES</u> or <u>NO</u> .	<u>CONSENT</u>	
Do you give consent to receiving either or both email and SMS (text) appointment confirmations and reminders? Please write either <u>YES</u> or <u>NO</u> .	<u>EMAIL</u>	<u>SMS (TEXT)</u>

If you wish to remove your agreement to my use of your data at any point, please let me know in writing or by email: jeremyboughey@banishthecrows.co.uk

If you have any concerns about how I have handled your data, you can complain to the Information Commissioners Office: www.ico.org.uk. My ICO registration number is **ZA263104**.

SIGNATURES:

I confirm that I have read understood and agree to the Privacy Statement and Agreement **and** the terms and conditions outlined in the ‘Whole Agreement’ provided by Jeremy Boughey t/a Banish the Crows Independent Counselling Psychotherapy.

* If you are under the age of 18 years a person with Parental Responsibility or the Legal Guardian will be asked to co-sign the Agreement.

YOU, the client (‘data subject’)

My NAME		Adult with Parental Responsibility or Legal Guardian (or N/A):
My SIGNATURE		
DATE of my agreement		

ME, the provider of therapy services (‘data controller’)

I believe that the client signing this Agreement is an adult with the necessary mental capacity to understand the nature of what they are signing and the consequence of this **OR** is a person under the age of 18 years who is necessarily competent **AND** either a parent or legal guardian of the young person (client) and has been made aware of the process of therapeutic contracting for the purposes of the young person engaging with therapy and its payment.

My name	JEREMY BOUGHEY t/a BANISH THE CROWS
My signature	
Date of my agreement	