

Privacy Policy: Diocese of Chichester – Wellbeing For Clergy (WCF) service

Information Governance Policies and Procedures

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## Section A

### Introduction

Data held by the Wellbeing For Clergy and Families service will be held lawfully and for the retention periods set out in section B of this policy document.

This document refers to:

- Written Documents
- Spreadsheets
- Hardcopy case notes and files
- Database entries
- Images
- Recordings
- Emails
- Text messages
- Supervision notes
- Visits to the organisation's website
- Social media communication

### Aim and Purpose

The purpose of this document is to ensure that the WCF has a framework that ensures the rights and freedom of individuals in relation to their personal data (Article 1) and adheres to best practice in the management of client information and business records.

Information Governance sets out the way in which information collated by an organisation is managed and ensures that any information collected;

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- is the right information
- is in the right place
- at the right time
- with the right people
- for the right reasons

***This is a live document and may be updated at any time to reflect changes in law or growth of the business, and therefore should be revisited regularly to check for any updates.*** The WCF is fully committed to ensuring clients privacy and data protection rights.

*For the purpose of this policy Nicola Canham is the named Data Protection Officer/Controller and is the Head of the WCF. The wider Diocese of Chichester GDPR policy offers information regarding the wider Data Protection Officer(s) / Controller(s).*

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#### **Information Governance Framework Principles for the WCF**

- 1.** The administrator has completed the GDPR training indicated by the Diocese.
- 2.** Any changes to the business processes and/or operations will be planned and will comply with the framework to ensure any risks to personal and sensitive information are minimised. A risk assessment will be written detailing how data loss will be minimised should a decision be made to alter the way clients' data is held, such as changing from one electronic database to another.
- 3.** Any data collected is solely for the purpose of providing a person-centred service to an individual client. Data collected for use in statistical reports is of a wider, summary, nature, and not such that it discloses any sensitive personal data such as names, ages, addresses etc.
- 4.** The Caldicott Principles are used to provide guidance in best practice when handling personal data, alongside the ICO's Office Codes of Practice.  
(<https://www.igt.hscic.gov.uk/Caldicott2Principles.aspx>)
- 5.** All technology used to store or facilitate information and communication is maintained according to the Data Retention Policy for the WCF.
- 6.** All records are identifiable, locatable, retrievable, and intelligible according to regulations set out by GDPR.
- 7.** It is the responsibility of the Data Controller to ensure sufficient resources are in place to prioritise adhering to Data Protection Legislation in the business.
- 9.** Any electronic devices where personal or sensitive, confidential information is held will be password protected.
- 10.** Procedures have been put in place to ensure the General Data Protection Regulations are met. These can be found in Section C.

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## Section B

### Privacy Notice: Use of information

In accordance with this data retention schedule there may be occasions when data is not destroyed due to ongoing investigation, litigation or enquiry. The data will be deleted upon confirmation that it is no longer required.

On some occasions anonymised personal data will be retained whereby a client has provided a testimonial for use on the organisation's website. When data is non-identifiable GDPR law is no longer applicable. [Non-identifiable means that if this data was left on a bus, no one, including the data subject would be able to identify that this data was relating to them.]

- Personal information is collated and stored on an encrypted database. No hard copies are retained.
- emails will contain a privacy statement.

Under the General Data Protection and Retention (2018) legislation, regarding how your personal data is processed, all individuals have;

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

Please note that the WCF does not use automated decision-making tools, including profiling.

***If any information held is noted to be incorrect an individual can request a correction be made to their own personal information. If you wish for your data to be provided to another service provider, you may also request this in writing.***

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#### Website visitors

We understand that the wider Diocesan GDPR policy will address this area, however it is possible that, when an individual visits [www.chichester.anglican.org/pastoralcare/](http://www.chichester.anglican.org/pastoralcare/), the wider Diocese may use a third party service, to collect information about what visitors do when they click on the website, e.g. which page they visit the most. Google analytics only collect non-identifiable data which means I or they cannot identify who is visiting.

The WCF will always be transparent when it comes to collecting personal data and will be clear about how that data is processed. Google analytics privacy notice can be found here: <https://policies.google.com/privacy/update?hl=en>

#### **Retention Schedule**

Information Asset	Information Owner Asset	Retention	Trigger for Disposal
Email (including sent items)	Head of organisation	Annual review period every January, any remaining live data untouched until following review period.	End of retention period
Contact details held on mobile devices	Head of Service	All entries to be deleted prior to decommissioning of mobile device or reissue of device	End of retention period
Promotional materials	Head of Department	Until superseded – Consent to be rechecked prior to reissue	End of retention period

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NB: no identifiable or statistical data used			
Paper Diaries	Head of Service	10 years from the period in which its use ends.	End of retention period
Policies	Head of Organisation	Until new policy has been put into place	End of retention period
Client records as recorded on database including session notes, initial consultation notes	Head of Service	In accordance with regulatory bodies and insurance 10 years after final treatment session has ended. Child records should be held until after 25 <sup>th</sup> birthday, or 26 <sup>th</sup> birthday if aged 17 when treatment ends.	End of retention period
Safeguarding records	Head of Service	In accordance with relevant insurance policy, 10 years after final treatment session has ended, unless superseded by new insurance policy.	End of retention period
Sat Nav records	Head of Service	All entries to be deleted prior to decommissioning of mobile device or reissue of device	End of retention period

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Waiting lists	Head of Service	Annual review period every January, old waiting list destroyed and new waiting list developed with any remaining live data transferred to new live document.	End of retention period
Continual Professional Development Records	Head of Service	To be retained when worker is in service and until 8 years afterwards.	End of retention period
Worker supervision records	Head of organisation and workers supervisor	To be retained when worker is in service and until 8 years afterwards.	End of retention period
Service evaluation records – feedback form	Head of Service	Transfer to anonymised data within 6 months of collection.	End of retention period
Incident/Accident reports	Head of organisation	40 years from date report was closed	End of retention period
Insurance policies	Head of organisation	40 years from date policy ended.	End of retention period
Complaints	Head of Service	2 years from complaint being resolved	End of retention period
Right to Erasure Request	Head of Service	10 years from request being submitted and completed.	End of retention period

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Subject Access Request	Head of Service	10 years alongside session notes, or plus 2 years from case closure if request is made after 8 years of storing data.	End of retention period
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Hard copy data will be destroyed via a cross shredding machine used solely by the service, electronic data will be permanently deleted.

**Data Processing**

What are the lawful basis for processing data at the WCF?

- **In relation to communicating with my clients:** The individual has given clear consent for their data to be processed for the specific purpose/s detailed in the referral form.
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person.
- Processing is necessary for your legitimate interests as specified in Article 9 of the GDPR;

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

3. Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules

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established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.

***This means that the WCF does not require consent to hold your data to provide a service but does require your consent to contact you for specific purposes.***

***Participating in the service by submitting a referral implies that you agree with the Terms and Conditions provided to you at the commencement of service delivery.***

#### Description of processing

The following is a broad description of the way this service/data controller processes personal information. Clients wishing to understand how their own personal information is processed may choose to read the FAQ's / Terms and Conditions for treatment document, which compliments the policies detailed here.

#### Reasons/purposes for processing information

WCF processes personal information to enable the provision of Counselling and Psychotherapy, to promote and develop the service and to maintain accounts and records.

#### Type/classes of information processed

WCF processes information relevant to the above reasons/purposes. This information may include:

- personal details
- family and social circumstances
- financial details
- employment and education details

WCF also processes sensitive classes of information that may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- offences and alleged offences

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WCF processes personal information about:

- clients
- suppliers
- business contacts
- professional advisers
- supervisors

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## Section C

### Data Breach

All personal and sensitive data held by the WCF is held securely. Electronic data stored on a computer is stored on a password protected computer, in an encrypted database, and in password protected documents held on the C: Drive of the computer, or on encrypted memory sticks. This supports the ability to retrieve data in the event of faults.

In the case of a data breach the WCF shall comply with the regulations set out under Article 33 of the GDPR stated below;

**1.** In the case of a personal data breach, the data controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the ICO, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of the individual. Where the notification to the ICO is not made within 72 hours, it shall be accompanied by reasons for the delay.

**2.** The notification referred to in paragraph 1 shall at least:

**(a)** describe the nature of the personal data breach including where possible, the approximate number of data subjects concerned and the categories (e.g. sessions notes, phone numbers) and approximate number of personal data records concerned;

**(b)** communicate the name and contact details of the data controller where more information can be obtained;

**(c)** describe the likely consequences of the personal data breach;

**(d)** describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

**4.** Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.



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5. The controller shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the supervisory authority to verify compliance with this Article.

6. In the event that a data breach will likely cause a risk to the rights and freedoms of client data, the data controller must communicate the nature of the breach in clear, concise and plain language, to the client/s involved, without delay.

7. If a breach occurs but the data controller has gone to appropriate lengths to protect the data held on the client (e.g. password encryption of electronic files), or if the data controller has taken subsequent action to prevent the risk (e.g. immediately blocking a mobile device) then notifying the client will not be required.

### Subject Access Request

A Subject Access Requests (SAR) permits individuals to request a copy of their personal information.

A SAR must be acted upon within one month, at the most within two months, any longer and reasonable reason must be provided. There are no fees unless there is a disproportionate fee to the service for sending out the information. Application for SAR should be held alongside session records, unless application was made after eight years of the end of treatment. In which case the SAR will be held for a further two years after closure of SAR.

A SAR request will include information we hold about you, the WCF will:

- give you a description of it;
- tell you why we are holding it;
- tell you who it could be disclosed to; and
- let you have a copy of the information in an intelligible form.

SAR requests should be put in writing to the Head of the WCF. A response may be provided informally over the telephone with your agreement, or formally by letter or email. ***If any information held is noted to be incorrect an individual can request a correction be made to their own personal information. If you wish for your data to be provided to another service provider, you may also request this in writing.*** We may have a legal basis to continue to hold your data and

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will notify you of this if that is the case. Any requests should be made in writing to the Head of the WCF.

#### **Right to Erasure**

Any person may put in a request for their personal data to be removed (the 'right to be forgotten' or the 'right to erasure'). In this instance any electronic data will be permanently deleted. The client will be notified of the completion. The request for deletion of data and the confirmation of completion will be held securely until eight years after the request was made.

***In some instances our supervisory body or insurance companies may require us to lawfully hold your files until the end of their retention period. If this arises we will notify you at our earliest opportunity.***

#### **Complaints**

WCF hopes to meet the highest quality standards when processing personal and sensitive data. Complaints can help identify areas for improvement and therefore the WCF would welcome you raising any concerns you have.

These Information Governance Policy documents were created to be as transparent and understandable as possible. It will not be completely exhaustive of all aspects of data collection. If you would like further information about a specific process, please contact the WCF.

If you feel you would like to make a complaint about how your personal and sensitive data is handled by the WCF you can contact the WCF directly. In the event that the WCF cannot resolve your complaint to your satisfaction you can contact the Information Commissioners Office on 0303 123 1113.

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#### **Safeguarding your privacy**

In the event of the death or sudden illness of the Head of the WCF the Head of Apostolic Life will contact the database provider and will ask them to archive any client files in accordance with General Data Protection Regulations.

In the event of the stopping of the WCF service, all data will be archived in accordance with General Data Protection Regulations.

This may mean having any electronic documents saved on a hard drive, or information stored on electronic devices, professionally wiped or destroyed by a GDPR complaint technician.

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