

## Privacy Notice for Clients

This privacy notice gives you some helpful information about what personal information I collect about you, why I collect it, who share it with and under what conditions, how long I will keep it and what your rights are in relation to that information.

### What personal data I collect and why?

I collect and use your personal data so that I can deliver a counselling/psychotherapy service to you

- a) **Contact details:** Name, surname, address, telephone number and email address next of kin emergency contact details: Name and contact details of your GP, details of any medication you have been prescribed and your medical history prior to engaging me as your supervisor I collect this information so that I can identify you, contact you to arrange or change appointments, locate your file manage your file and your records confidentially, contact you next of kin in an emergency. I process this information on the lawful basis of the provisions of the "Health and Social Care Act" (article9(2)(h) as I am a designated social care professional under Statutory Instrument (S.I.) 170/2018.
- b) **Counselling Notes:** When you begin counselling/psychotherapy with me, I will allocate you a client code, Counselling notes will use your client code (never your real name) this is to enhance your privacy. For regulatory purposes I am required to have my work as a counsellor/psychotherapist supervised, this ensures quality control in relation to meeting the standards of best practice. My supervisor is a qualified accredited supervisor as well as being a qualified accredited psychotherapist, my counselling notes are shared with my supervisor. My supervisor is a designated health and social care professional under S.I. 170/2018 and is bound by a strict duty of confidentiality in his/her supervisor work
- c) **Client Appointments:** I record dates of attendance at counselling sessions, details of non-attendance if relevant. I process this information on the basis of your contract with me
- d) **Other Data:** I may hold additional data relating to you If your solicitor writes to me at your request about matters pertaining to your counselling/psychotherapy, I may hold data relating to correspondence with your solicitor, documents relating to court proceedings, discovery or subpoena documentation. I process this information on the basis of my

legitimate interest in running an efficient service and on the lawful basis of the processing being necessary for the establishment, exercise or defense of legal claims.

#### **How long I keep this information:**

In general, I retain client files for at least ten years after the counselling relationship has ended so that I can comply with my professional indemnity insurance requirements. This period can be extended if some issue has arisen e.g. if there are any particular issues in relation to the care of the client and/or regulatory standards, these records may be retained for engagement with the counsellor/psychotherapist's accrediting body (IACP and IAHIP) and for appropriate follow up action. If any investigating enquiry is under way by any statutory authorities (e.g. An Garda Síochána, TUSLA HSE) or by any regulatory body (e.g. CORU: The Health and Social Care Professionals Council) in relation to any matter in respect of which the data held by me this data will be retained so that I can fully co-operate with any investigations/enquiries and will be retained until all such matters are fully concluded. If proceedings are on-going or are threatened the data will be retained in "legal hold" to ensure they are available to assist the administration of justice and pending the conclusion of litigation matters.

#### **Who I share your information with:**

- If in my opinion you are at risk of harming yourself or somebody else, I reserve the right to contact our doctor and/or other health care professionals and/or your family and/or any other appropriate person or body e.g. An Garda Síochána TUSLA etc. so that steps can be taken to ensure your safety and/or the safety of others. In such circumstances I will share your personal data with them where in my professional opinion it is necessary to protect your health and well-being, or to protect the vital interests of your and/or another person. Where appropriate I will inform you that this is being done. I reserve the right not to notify you that this is being done if to do so would put you and/or another person at risk
- If in my opinion you are in need of immediate assistance from your GP any or any other clinical/health professional I will make such a referral so that steps can be taken to ensure your safety and well-being. Where possible I will do this with your knowledge and agreement. I reserve the right not to do so if it would put you and/or another person at risk.

## **Mandatory Reporting**

Psychotherapist and counsellors are under a legal obligation to report child abuse, child sexual abuse, historical abuse, abuse of vulnerable persons and to report when a child is at risk of harm. Reporting is made to An Garda Síochána (Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and TUSLA (Children First Act 2015). In the event that I have to make such a report I will **not seek your consent**. In appropriate cases I will notify that this is being done unless to do so would put a child at risk. I rely on all the protections within "The Protection for Persons Reporting Child Abuse Act" 1998. I comply with following statutory guidance and professional codes:

- Children First: National Guidance for Protection and Welfare of Children: Dept. of Children and Youth Affairs 217
- Code of Ethics and Practice : "IACP"
- Code of Ethics and Practice "IAHIP"

**My Supervisor:** For regulatory purposes (as indicated elsewhere in this privacy statement) I am required to have my work as a counsellor/psychotherapist supervised this ensures quality control in relation to meeting the standards of best practice. My supervisor is a qualified accredited supervisor as well as being a qualified accredited psychotherapist my counselling notes are shared with my supervisor in accordance with the ethical framework of The Irish Association for Counsellors and Psychotherapists (IACP). My supervisor is a designated health and social care professional under S.I. 170/2018 and is bound by a strict duty of confidentiality in his/her supervisor work.

**New Counsellor/Pschotherapist:** If you decide to retain the services of a new counsellor/psychotherapist and you want me to release your old counselling records to you so that you can give them to your new supervisor, you can submit a data access request to me in writing. I will release these records to you directly. It is then your responsibility to give them to your new supervisor.

**Your Solicitor:** You can make a data access request to obtain a copy of your personal data at any time. If you instruct your solicitor to make a data access request to me and where your solicitor furnishes me with a copy of your written authority for me to do so I will send the data access request documents to your solicitor. Please note that if your solicitor requests a copy of your counselling/psychotherapy notes I will require him/her to verify your identity before I will release anything to your solicitor.

**Court Proceedings and/or Administration of Justice:** I comply with court orders, discovery orders subpoena etc.

**An Garda Siochana:** I will share your personal data with law enforcement bodies including An Garda Siochana where it is necessary for the detection, investigation and prosecution of offences.

**Third Party Transfers:** In general, I do not transfer your personal data outside the European Economic Area (EEA): However, I will do so if you ask me to do so.

### **How your information is protected and methods of disposal of this information.**

I am the named controller of your personal data and as such I am committed to taking reasonable steps to protect this sensitive information. I keep your personal data under lock and key; if and when I physically store your personal data: Where your personal data is stored by me electronically I will password protect such personal data.

Information which has exceeded time it is required to be kept by me and where none of the conditions requiring me to retain your data is in operation, I will destroy your personal data by complex shredding and by specialist erasing where your personal data has been stored electronically.

### **Your statutory rights in relation to Your Personal Data:**

As the "Data Subject you have the following statutory rights which can be exercised at any time free of charge These include:

- The Right to complain to a supervisory authority
- The Right to Access (this included the right to access copies of personal data together with certain information about the processing of that data)
- The right to data portability
- The right to object
- The right to rectification
- The right to be forgotten (This right is not absolute)
- The right to restrict processing
- The right to object to "automated decision making (that is "profiling")

