

Jon Willoughby Data Protection Policy

A) INTRODUCTION

Jon Willoughby (hereafter “the therapist”) may have to collect and use information about people with whom he works via the principle of legitimate interest. This personal information must be handled and dealt with properly, however it is collected, recorded, and used, and whether it be on paper, in computer records or recorded by any other means.

The therapist will ensure that he treats personal information lawfully and correctly. To this end he fully endorses and adheres to the principles of the General Data Protection Regulation (GDPR) and is registered with and regulated by the Information Commissioner's Office.

This policy applies to the processing of personal data in manual and electronic records kept by the therapist. It also covers his response to any data breach and other rights under the GDPR.

B) DEFINITIONS

“Jon Willoughby” and “The Therapist” refers to occupational therapist Jon Willoughby and those involved directly in the provision of occupational therapy under his supervision, e.g. volunteers, students or occupational therapy assistants.

“Personal data” is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier. It can also include pseudonymised data.

“Special categories of personal data” is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

“Data processing” is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organising, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

C) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held must be processed according to a set of core principles. In accordance with these principles, the therapist will ensure that:

- processing will be fair, lawful, and transparent
- data be collected for specific, explicit, and legitimate purposes
- data collected will be adequate, relevant, and limited to what is necessary for the purposes of processing

- data will be kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- data is not kept for longer than is necessary for its given purpose
- data will be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction, or damage by using appropriate technical or organisation measures
- the therapist will comply with the relevant GDPR procedures for international transferring of personal data

D) TYPES OF DATA HELD

The therapist is required by HCPC standards of proficiency and RCOT professional standards to hold the following information:

- Name
- Contact information (email, address, email address, phone number)
- Information related to the client's occupational therapy with the therapist

For safe and effective practice, he may also require the following:

- Emergency contacts
- Other third-party contacts such as GPs or schools
- Background history
- Reasons for referral
- Other information relevant to occupational therapy with the therapist

E) CLIENT RIGHTS

You have the following rights in relation to the personal data the therapist hold on you:

- To know what data the therapist holds about you
- To correct anything that's wrong
- To request the deletion of your data
- To complain about the handling of your data (via the Complaints Procedure)

F) LAWFUL BASES OF PROCESSING

The therapist acknowledges that processing may only be carried out where a lawful basis for that processing exists. Where no other lawful basis applies, the therapist may seek to rely on the client's consent in order to process data.

However, the therapist recognises the high standard attached to its use. The therapist understands that consent must be freely given, specific, informed, and unambiguous. Where consent is to be sought, the therapist will do so on a specific and individual basis where appropriate. Clients will be given clear instructions on the desired processing activity, informed of the consequences of their consent and of their clear right to withdraw consent at any time.

G) ACCESS TO DATA

As stated above, clients have a right to access the personal data the therapist holds on them. To exercise this right, clients should make a Subject Access Request. The therapist will comply with the request without delay, and within one month unless, in accordance with legislation, it is decided that an extension is required. Those who make a request will be kept fully informed of any decision to extend the time limit.

No charge will be made for complying with a request unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the client making the request. In these circumstances, a reasonable charge will be applied.

A subject access request can be made by email to info@jonwilloughby.co.uk or via text message to 07834 228772.

H) DATA DISCLOSURES

All personal data will be stored securely and confidentially and not shared with third-parties without consent.

To comply with the therapist's duty of care and safeguarding, the therapist may in exceptional circumstances need to pass some information raising safeguarding concern with the authorities. In such circumstances, the therapist applies legitimate interest, vital interests or legal obligation as the lawful basis.

I) DATA SECURITY

Hard copy personal information should be avoided or transferred to a digital copy as soon as possible, destroying the original. In the event of hard copy being required, personal information will be kept in a locked filing cabinet, drawer, or safe and disposed of severely (i.e. using of a shredder).

The therapist is aware of their roles and responsibilities regarding the processing of data. The therapist will store files or written information of a confidential nature in a secure manner so that they are only accessed by people who have a need and a right to access them and to ensure that screen locks are implemented on all PCs, laptops etc when unattended. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.

When using video conferencing software and screen sharing functions, the therapist will ensure windows and documents containing confidential information are closed.

Where data is computerised, it will be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media will itself be kept in a locked filing cabinet, drawer, or safe.

The therapist will always use the passwords provided to access the computer system and not pass them on to people who should not have them.

Personal data relating to clients will not be kept directly on or transported on laptops, USB sticks, or similar devices, unless prior authorisation has been received. Where personal data is recorded on any such device it should be protected by:

- ensuring that data is recorded on such devices only where absolutely necessary
- using an encrypted system — a folder should be created to store the files that

need extra protection and all files created or moved to this folder should be automatically encrypted.

- ensuring that laptops or USB drives are not left where they can be stolen.

J) THIRD PARTY PROCESSING

Where the therapist engages third parties to process data on their behalf, the therapist will ensure, via a data processing agreement with the third party, that the third party takes such measures in order to maintain Jon Willoughby's commitment to protecting data.

K) INTERNATIONAL DATA TRANSFERS

Jon Willoughby does not transfer personal data to any recipients outside of the EEA.

L) REQUIREMENT TO NOTIFY BREACHES

All data breaches will be recorded on the therapist's Data Breach Register. Where legally required, the therapist will report a breach to the Information Commissioner within 72 hours of discovery. In addition, where legally required, the therapist will inform the individual whose data was subject to breach.

M) DATA PROTECTION COMPLIANCE

The therapist's Data Protection Officer is:

Jon Willoughby

info@jonwilloughby.co.uk