**Privacy Notice & Data Protection Policy: L K Swain Therapy Services**

**The Information Commissioners Office (ICO) Registration Reference Number for Lucy Swain is Z3554633.**

**Registration with the ICO and a review of this policy take place annually.**

**Introduction**

Lucy Swain is a sole practitioner providing healthcare services to clients in the areas of Speech & Language Therapy and Nutritional Therapy. As part of this work, it is a requirement that personal and sensitive data relating to clients and businesses must be handled. This document outlines how your information is obtained, stored and used, including with whom we may share the information and how it is kept secure. Where this document does not fully answer your questions about how your data is used, please contact the data controller at [Lucy@lucykswain.com](mailto:Lucy@lucykswain.com) for further information.

This policy outlines the procedures and policies that are in place to ensure that this data is handled in accordance with the General Data Protection Regulations (2018).

Article 5 of the GDPR requires that data is:

* a) processed lawfully, fairly and in a transparent manner in relation to individuals;
* b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
* c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
* d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
* e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
* f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

This policy ensures that Lucy Swain, the data controller:

* complies with data protection law and follows good practice
* protects the rights of clients and business contacts
* is open about how data is stored and processed
* protects the company from risk of data breach

The policy exists to:

* protect the service users and related contacts from breaches of confidentiality.
* Offer the services users and related contacts choices about how their data is used by the company.
* Protect the company from reputational damage if hackers were to successfully gain access to personal or sensitive data.

**Scope of Policy**

The policy applies to the data controller and any personnel that may come into contact with the data as a result of working alongside the practitioner (e.g student observations, administrative staff etc).The policy applies to all data that the company holds relating to identifiable individuals including names, postal and email addresses, telephone numbers, private health insurance details, bank details, test results and all sensitive data held in client notes.

**Lawful basis for processing**

Under Article 6 of the GDPR, the lawful bases for processing data by L K Swain Therapy Services include:

**LEGITIMATE INTERESTS**

* For which **Special Category data** is processed for the purpose of healthcare as set out in Article 9 (2) of the GDPR. Due to the nature of the services provided by LK Swain Therapy Services, it is within the legitimate interests of the company and the client to process and store sensitive information in order that the most appropriate healthcare may be given.
* Details of the Legitimate Interests Assessment (LIA) may be obtained on request.

**CONSENT**

* A client’s consent is required in order to make a referral, or share information about the client’s care with a third party involved in the client’s healthcare such as a G.P, Consultant or Allied Health Professional. Data will not be shared with any third party for the purposes of marketing.
* A client’s consent is required in order to receive information from L K Therapy Services regarding courses, offers or services provided by the company that may be of interest or of value.
* A client’s consent is required to use pseudonymous data for the purpose of professional development such as case discussions with other professionals.
* A client’s consent is required for the publication of testimonials or comments on the company website or in promotional materials and where pseudonymous data will be used.

The client reserves the right to withdraw consent at any time.

**General guidelines**

* The only people who access the data covered by this policy will be those who need it for their work.
* Data will only be passed to a third party in the event of onward referral and continuity of health care, or because another health professional or administrative worker requires the information to carry out their work. Referrals to other healthcare practitioners will only take place after consent from the service user has been established.
* All data held within the clinic management software is both encrypted and password protected.
* Any paper records are held in secure premises in locked filing cabinets.

**What data does the company hold about me?**

Data which is stored may include some or all of the following:

* Identifiable information – e.g name, date of birth, gender
* Contact details – e.g address, telephone number, email address
* Contact details for close family members e.g next of kin
* Appointment details – e.g previous appointments, invoices etc.
* Health records – both historical and current as appropriate for the client.
* Medical Reports – both historical and current as appropriate for the client.
* Test results – e.g private laboratory testing or previous NHS test results.
* Audio or video recordings – if appropriate for the client.
* Payment details – e.g details of private insurance policies, including membership/authorisation numbers

**How does the company obtain my data?**

The company may obtain your personal or sensitive data in the following ways:

* Providing your name, address, and contact details in order to send you fee lists and information about the service, or in order to book an appointment.
* When signing a Partnership Agreement , Privacy notice or Consent form.
* Completing contact forms from the company website or websites acting as agents such as Nutritionist Resource or the Association for Speech & Language Therapists in Independent Practice.
* Completing relevant health questionnaires and returning them to the practitioner prior to, or during a consultation.
* Receiving referral information from a third party such as your doctor or healthcare practitioner
* From laboratories who have carried out tests relevant to your healthcare.
* From general medical notes held at the Spire hospital or via the NHS.
* In communication with you through post, telephone, SMS or email.
* When you provide your contact details if attending seminars or educational events offered by the company.
* When taking payment

**How is my data stored?**

* Client notes are held within an encrypted clinic management software programme which is password protected and hosted by Pioneer Software Ltd. Details of the privacy policy for Pioneer Software Ltd. can be found on their website <https://pioneersoftware.co.uk/files/pdf/Privacy%20Policy.pdf?x86786>
* Paper notes are held by the data controller at the company headquarters for the duration of treatment only, and are kept in a locked filing cabinet at all times, unless being used or transported for the purposes of the service delivery. At the end of the episode of care, paper notes are shredded and historical notes are scanned, encrypted and kept securely in digital format by Pioneer Software Ltd. For patients seen at the Spire hospital, session notes will also be entered into the patient’s paper file which is held securely within the Medical Records department at the hospital and remains on-site. Please see the Privacy Policy for the Spire hospital for more details. <https://www.spirehealthcare.com/legal/privacy-policy/>
* Electronic data that is stored on a portable device or in the cloud is encrypted, anonymised, and/or password protected to ensure maximum security at all times. If video/audio recordings are made on such a device, these will be transferred and stored to the clinic management system hosted by Pioneer Software Ltd. The central server hosting the encrypted information is held in the UK at a secure location.
* Data is regularly updated, either by hand or electronically to ensure that contemporaneous records are maintained at all times. The data controller will aim to update records within 24hrs of an event or contact taking place. (Where this is not possible e.g due to technological failure or inability to access paper files, the information will be added at the next available opportunity, with explanatory notes regarding the delay in recording the information).
* Temporary information that is not required in the patient notes (e.g telephone messages, printouts etc) that contains personal or sensitive data will be shredded after use.

**Confidentiality and the disclosure of data**

Data you share with us remains confidential and can only be shared in the following circumstances:

* As part of your direct healthcare and with your prior consent, the information may be shared with other health professionals involved in your care, and for the purpose of onward referral to another professional.
* If your consultations are paid for by a medical insurance company and where L K Swain Therapy services is required to invoice the company on your behalf.
* With pathology laboratories or hospital services where tests are to be arranged with your prior consent.
* With administrative staff involved in the booking of your appointments or referral to other health professionals.
* In certain circumstances, the company may be required by law to disclose personal or sensitive information to law enforcement agencies without the consent of the individual. In the event that a request is made, the data controller will ensure that the request is legitimate and if necessary, seek assistance from legal advisors.
* In the event that we have reasonable cause to believe that your life is in danger we may be required to disclose your information to the appropriate authority under the legal basis of vital interests.
* Where there is an overriding public interest such as to safeguard and individual or prevent a serious crime.
* Your details may be shared with our professional or registrant bodies in the event that you make a formal complaint against us.
* In the event of non-payment and failure to respond to email or post reminders regarding the non-payment, personal details may be passed to the small claims court in order to obtain the unpaid fees.

**Transfer of data between the company and the client.**

The service user has the right to request that their personal or sensitive data is handled in a particular way, including specific requests for postal, telephone or email transfer of information only. Data may be classified as:

* **General personal data** (name, address, telephone number, email, etc)
* **Service specific personal data** (appointment dates, times, invoicing, type of appointment etc)
* **Sensitive and/or special category data** (details of service users health and diagnosis, notes taken during consultations, medical test results, reports written about a service user, details of a sensitive nature or confidential information shared with the therapist)

Service users are given the option of selecting how they would like to be contacted when provided with the company privacy notice. Where a client requests that special category data (such as test results and reports) are shared via email, the data will be sent in encrypted format.

**Access to your information**

All individuals who have personal information held by the company are entitled to the following:-

* ask what information is held about them and why
* ask how to gain access to the information
* be informed how to keep the information up-to-date
* be informed how the company meets its data protection guidelines.

**SARS (Subject Access Requests)**

By law, you are entitled to submit a written request to obtain details of the information that is held about you by the company and with whom it is shared.

Written requests may be sent to Lucy Swain at 6 Welton Wold View, Swanland, N.Ferriby, E.Yorks HU14 3PX. The information will be provided within 20 days of receipt of the request, and proof of identity will be required before the information is released to the individual making the request. The company’s response will include the details of the personal data that is held about you, the purposes of processing this information and the persons with whom the information has been shared.

**Retention of data**

Retention of your health records is required for future episodes of healthcare and/or to enable us to respond to any future complaints or legal action. The length of time that records are held following an episode of care is guided by our professional associations;

* **Royal College of Speech & Language Therapists** https://www.rcsltcpd.org.uk/
* **British Association for Applied Nutrition and Nutritional Therapy** <http://bant.org.uk/>

and our registrant bodies;

* **Health Care Professions Council** http://hpc-uk.org/
* **Complementary Natural Healthcare** **Council** <https://www.cnhc.org.uk>

For clients who are seen at the Spire hospital, notes are retained for a period of 30 years in accordance with the policy set out by the hospital.

**Pseudonymous data**

There are occasions where your pseudonymous data may be used, including:

1. With your prior consent, your pseudonymous data may be shared with colleagues in order to gain expert opinion from other experienced professionals about the most appropriate course of action to take.

2. Comments and testimonials you provide may be published for the purpose of marketing with your prior consent and using only your initials/region as a means of verifying validity of the comments.

3. Cookies may be used by the company’s website to track visitor data and provide statistical data through Google Analytics but no use is made of individually identifiable information. To opt out of being tracked by Google Analytics, you can visit <http://tools.google.com/dlpage/gaoptout> The privacy policy of Google Analytics can be found on the Google website.

**Breach of data**

In the event of a data breach, the controller will report the breach to the ICO within 72 hours of becoming aware of the breach.

**Complaints**

If you have a complaint regarding the use of your personal or sensitive data, please contact us by writing to the Data Controller at 6 Welton Wold View, Swanland, N.Ferriby, E, Yorks HU14 3PX or email [Lucy@lucykswain.com](mailto:Lucy@lucykswain.com) and we will do our best to help resolve the issue. If you are unsatisfied with measures taken to resolve your complaint, you can make a formal complaint to the Information Commissioners Office (ICO) on 01625 545745.

**Policy maintenance and review**

The Data Protection Policy will be reviewed by the company on an annual basis and updated accordingly.

Standards set out in the Data Protection Policy will be checked on an annual basis by the Data Controller to ensure that they are being met.

Annual Data Handling training will be undertaken by the Data Controller through Hull & East Riding Spire hospital to maintain and improve data protection standards and policy.