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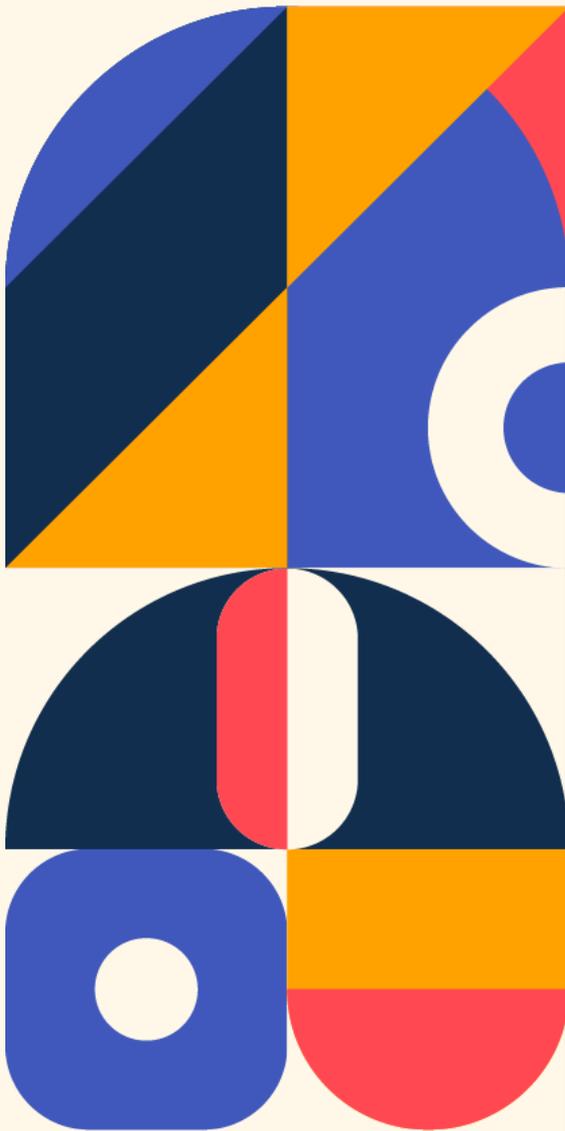
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Data Protection and GDPR

Part One



What we'll cover

- 1 What do you need to know about data protection and GDPR?
- 2 What do you need to do now? What do you need to be aware of?

Do not panic.



GIANT GDPR FINES ISSUED

BUT WHAT DOES THIS MEAN FOR SMEs?



Do **not** panic.

You are highly unlikely to be fined!

And there's a lot of help and guidance out there.

**But equally, don't bury your
head in the sand.**



A few high level principles before we start

You must consider how you can demonstrate compliance with the principles and put in processes and practices **that are appropriate for you** (taking into account the size and scale of your business).

Prioritise **consent**. In the UK only children aged 13 or over are able to provide their own consent.

It should **not come as a surprise** to hear from you.

Shilpa is a therapist in private practice. She received written consent from her clients for her basic GDPR policies, such as keeping their name and address on file during their work together. However, she used the email addresses of her clients to send them all a monthly newsletter without their explicit consent.

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“By ticking this box you are giving me consent to send you further information about my work, such as a monthly newsletter.”



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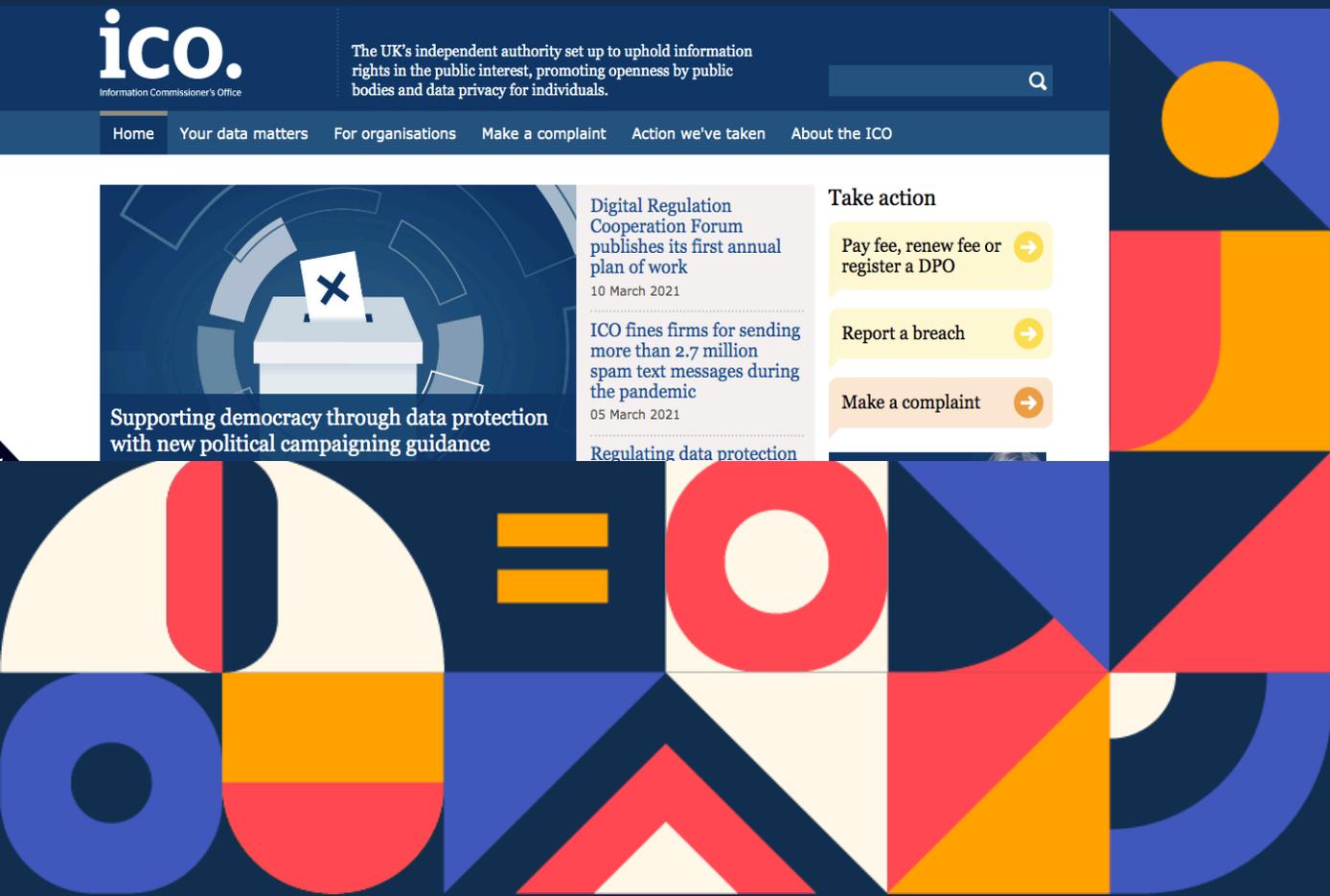
The General Data Protection Regulations The Data Protection Act 2018

GDPR is established in UK law, Brexit or no Brexit!

The GDPR creates a uniform approach to the processing of personal data. Applies wherever our data is processed – even outside UK/EU.

Gives ownership of data back to the individual.

In the UK, the Supervisory Authority is the Information Commissioner's Office (ICO). **The ICO is your friend!**



ico.
Information Commissioner's Office

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Home Your data matters For organisations Make a complaint Action we've taken About the ICO



Supporting democracy through data protection with new political campaigning guidance

Digital Regulation Cooperation Forum publishes its first annual plan of work
10 March 2021

ICO fines firms for sending more than 2.7 million spam text messages during the pandemic
05 March 2021

Regulating data protection

- Take action**
- Pay fee, renew fee or register a DPO →
 - Report a breach →
 - Make a complaint →

The ICO

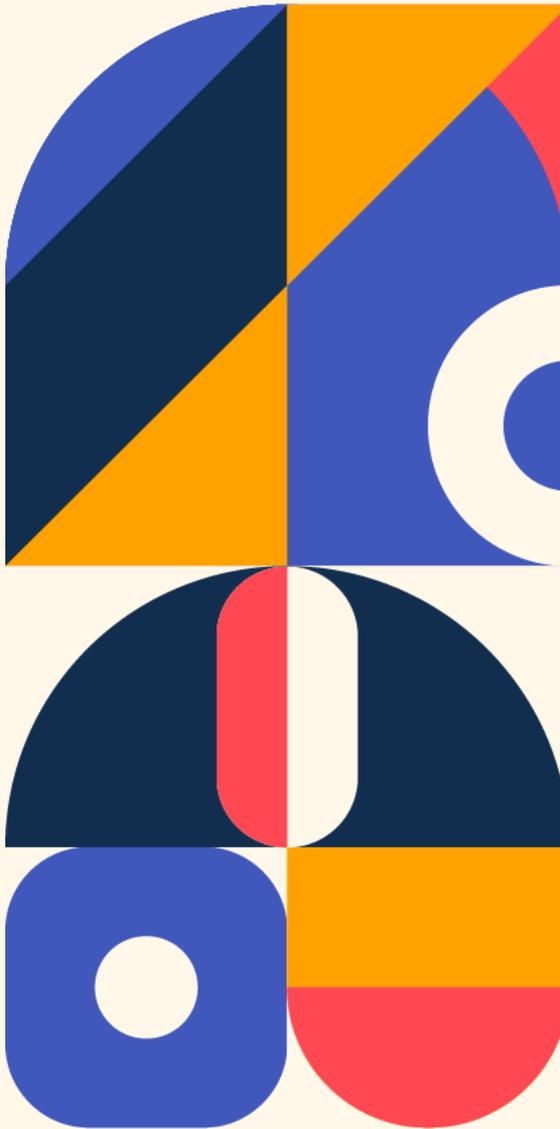
Their primary purpose is to ensure personal data is being processed appropriately.

Dual role: Help businesses, and investigate concerns.

Every organisation that processes personal information to register with the IC.

Costs £40 per year.

<https://ico.org.uk/registration/new>



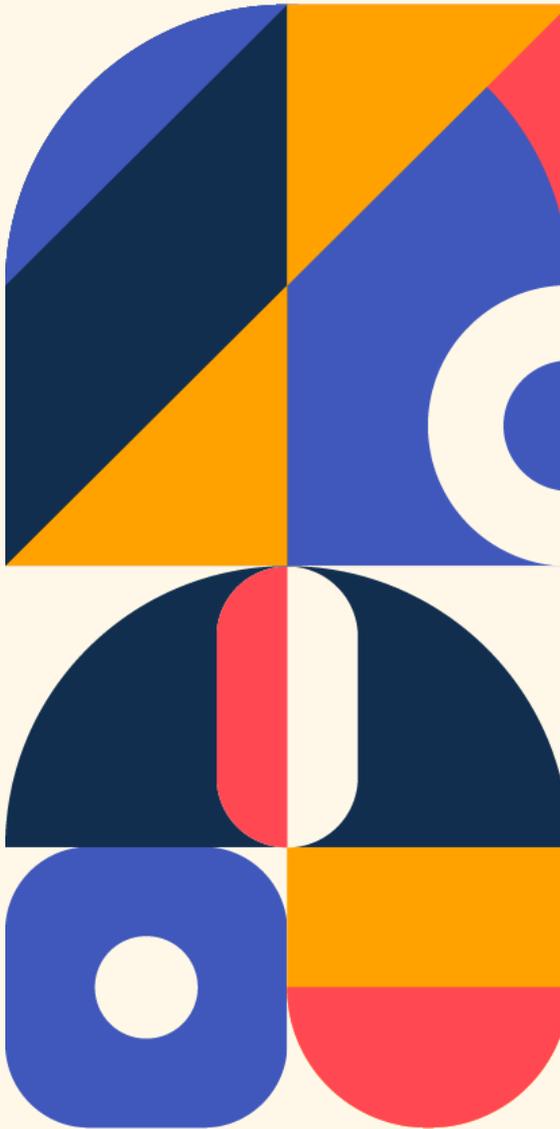
GDPR basics

You are legal obligated to keep a record of what data you are processing and demonstrate your compliance.

- Developed and provided **privacy notices**.
- Received **consent** for any data you process.
- Developed processes for dealing with data breaches and subject access requests.

Don't collect more than you need. You must have a reason to process data. Can you – and have you – explained why you need, say, GP details or emergency contact details for your clients?

Are you collecting “special category” data? If so, you need a legal basis.



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Are you

The UK GDPR defines special category data as:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **political opinions**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- **genetic data**;
- **biometric data** (where used for identification purposes);
- data concerning **health**;
- data concerning a person's **sex life**; and
- data concerning a person's **sexual orientation**.

... to process data. Can
... say, GP details or emergency

Are you processing "special category" data? If so, you need a legal basis.

Three thoughts

1. People
 - Who are you sending data to? Why?
2. Processes
 - How are you processing data?
 - How are you storing data?
 - How are you deleting data?
3. Technology
 - Encryption
 - Anti-virus software/VPNs

 **AntivirusSoftwareGuide** Comparison Articles Privacy

Top 10 Best Free Mac Antivirus Software (2021)

Let us help you find the best virus protection...

There used to be many free antivirus software providers but in recent years they have mostly all become paid services. Antivirus protection has never been as important as it is right now due to cyber crime at it's highest level. Finding the best antivirus software can be a confusing task so here you can compare the antivirus software reviews to get the best antivirus for your security needs.

Filter Results Sort By 10 antivirus providers found, sorted by **top featured**. Advertising Disclosure

Editor's Choice	Total AV ★★★★★ Please Vote!	Free	The information found on this website is the opinion of the webmaster. If malware detection scores are important for your
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Best VPN Free Trials

- ✓ Visit websites from around the world without restrictions
- ✓ Change your IP address for **anonymous browsing & downloads**
- ✓ Stream **Netflix, BBC iPlayer, Disney+** & more from any location
- ✓ The best **VPN deals** and the best **VPN free trials**

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Updated March 2021

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9.8

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<https://www.top10vpn.com/>

Kwame is a therapist in private practice. He stores all his client notes on paper. All his client's personal information - names, GP details, address etc. - are stored on paper in a locked filing cabinet. He only shares client information with clients' GPs, when he has express written consent to do so for a specific purpose (for example, to speak with a client's GP about their medication). He occasionally emails his clients, and uses a Gmail account with a strong password that he changes regularly.

Davina is a therapist in private practice. She stores all client notes and personal data on Word documents in on her personal computer, on her external hard drive, and on the cloud. She stores the external hard drive in a locked filing cabinet. She anonymises her client notes. She uses passwords on Word documents with personal data. She has a separate password for her cloud account, and has ensured that her cloud service provider is GDPR compliant. She uses McAfee antivirus software on her computer. She stores client phone numbers in her phone, but ensures contact details are anonymised, and that alerts for text messages are turned off.



What we'll cover in Part Two

We'll look at the template for a Privacy Notice.

We'll look at working on Zoom/Skype.

We'll look at websites.

Handling a data breach.

Statutory situations where you might need to breach confidentiality.

We'll recap and clarify what you need to do - and we'll keep it simple!



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Part Two

An example



Online therapy

Most are encrypted. Zoom has end to end encryption for premium users.

But you can:

- Have a “waiting room”.
- Change the meeting link each time.
- Lock meetings once they’ve begun.

Where you record sessions, always get written permission before recording.

If worried, use specific video conference software developed for therapy/medical help.

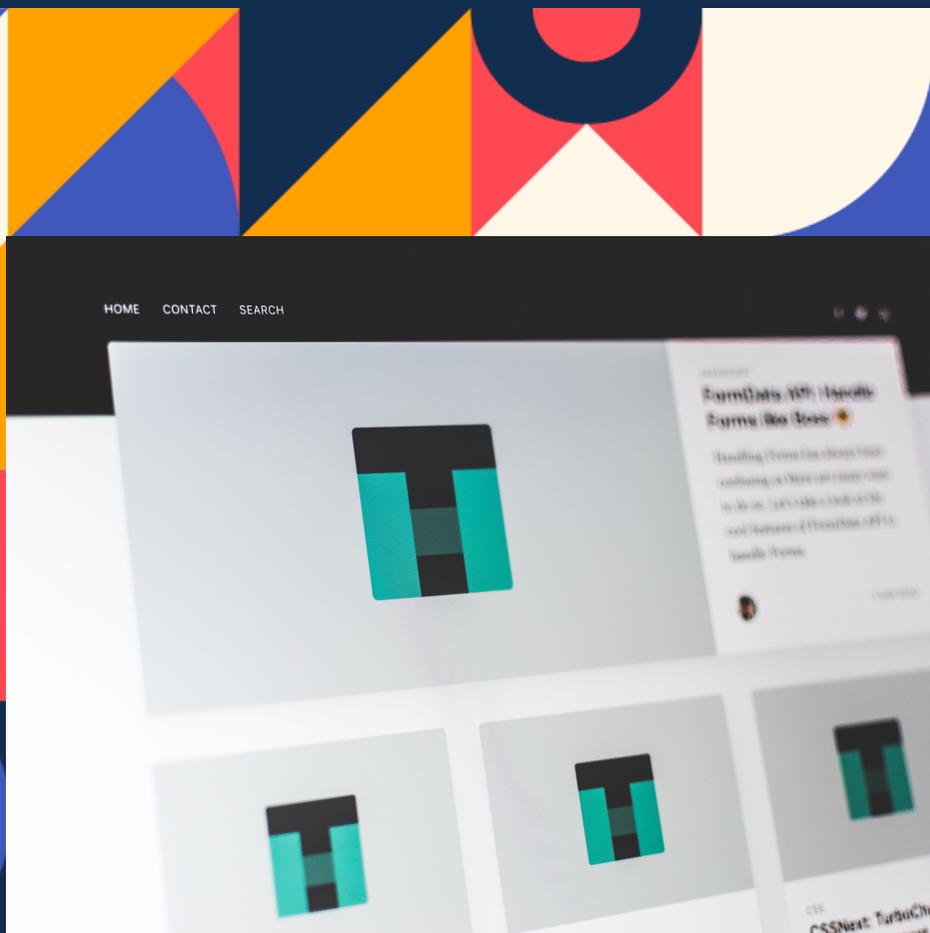
Your website

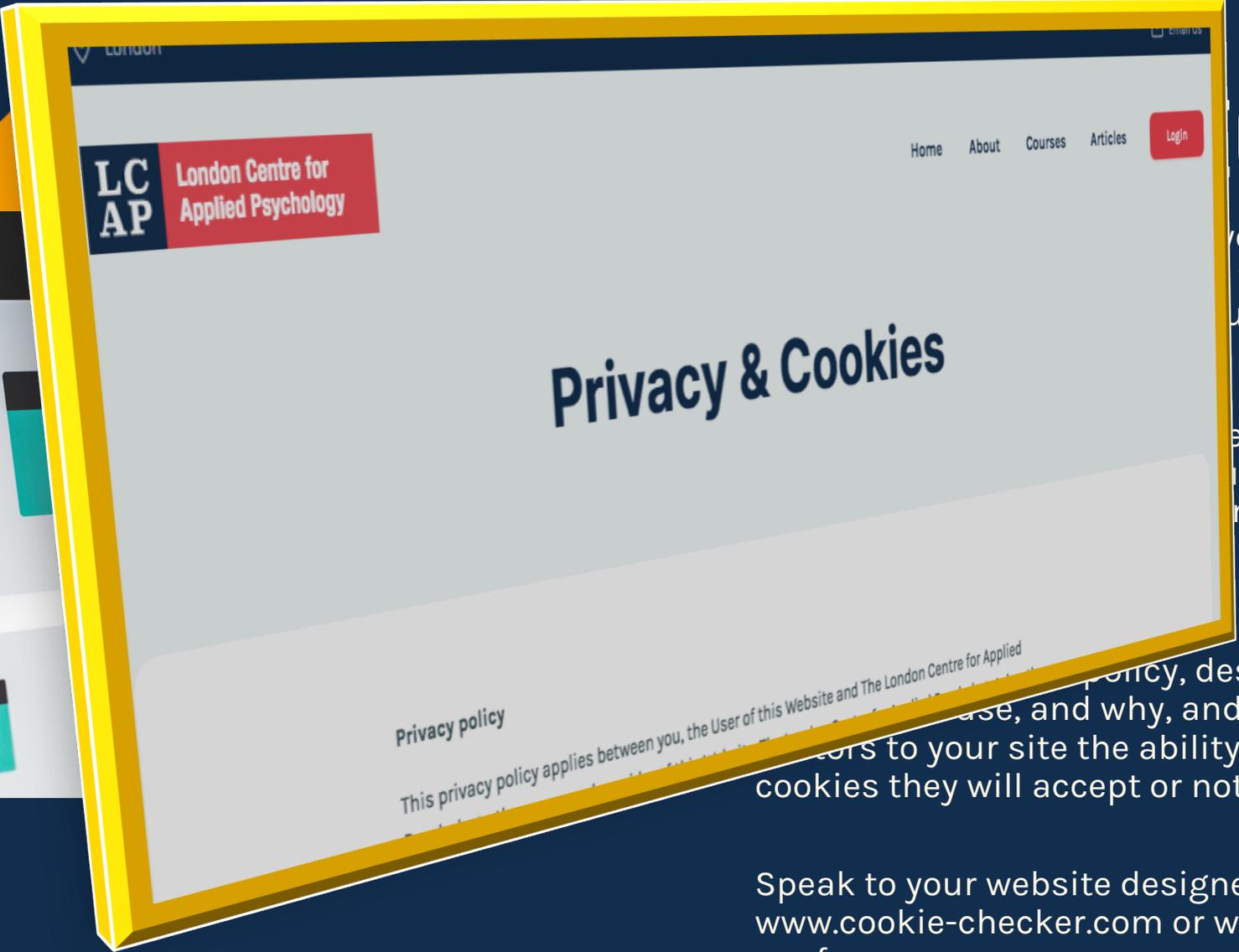
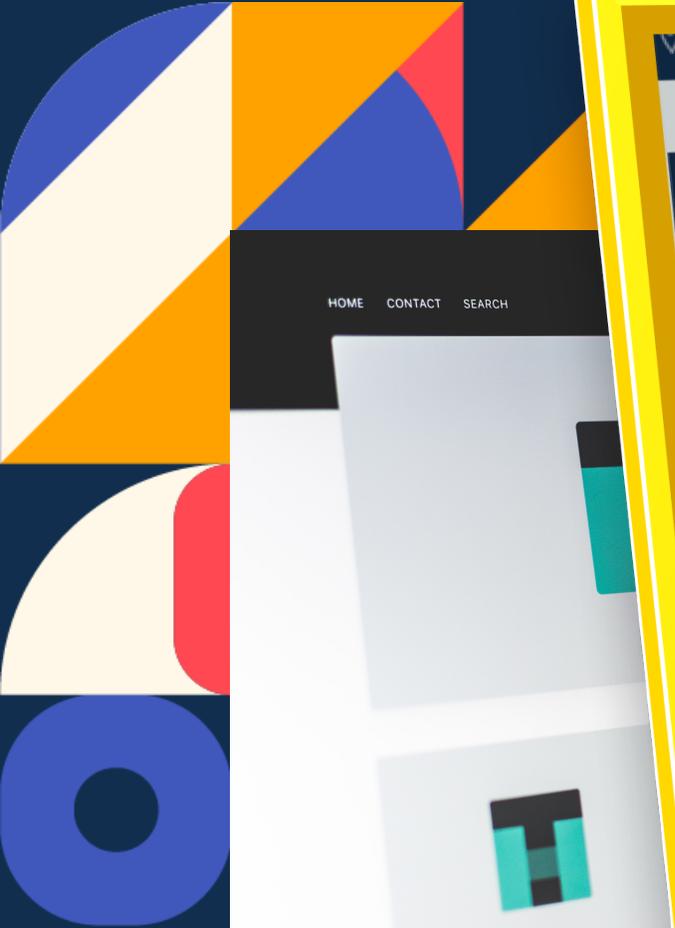
Remove any data fields that you don't need to collect on either your contact form or newsletter sign up. Remove any pre-populated tick boxes.

Your website privacy policy needs to reflect the data you collect and what you use it for, who processes it for you – MailChimp, Google Analytics.

You'll need a cookie policy, describing which cookies you use, and why, and you must give visitors to your site the ability to manage which cookies they will accept or not.

Speak to your website designer! Sites like www.cookie-checker.com or www.cookiebot.com are free.





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you don't need to
form or newsletter
related tick boxes.

needs to reflect the
use it for, who
mp, Google

policy, describing which
use, and why, and you must give
users to your site the ability to manage which
cookies they will accept or not.

Speak to your website designer! Sites like
www.cookie-checker.com or www.cookiebot.com
are free.

Oh no - there's been a data breach!

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“A breach of security which leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.”

1. Once you're clear it's a data breach, inform the ICO within 72 hours.
2. Be clear with the ICO about what you did when you discovered the breach, and how you'll reduce the likelihood of another breach.
3. If the breach could potentially impact the data subject, then contact them in an appropriate way as quickly as possible.

Confidentiality

You cannot be legally bound to breach confidentiality about a crime, in general.

Statutory obligations to disclose include:

- any information that might help prevent another person carrying out an act of terrorism or might help in bringing a terrorist to justice.
- all regulated health and social care professionals and teachers in England and Wales must make a report to the police if they are informed by a girl under the age of 18 that she has undergone an act of FGM, or they observe physical signs that an act of FGM may have been carried out.

<https://www.bacp.co.uk/media/6305/bacp-managing-confidentiality-legal-resource-gpia014-july2019.pdf>



Confidentiality

A court may order disclosure of documents, or information, or order you to attend court and to bring notes and records with them.

Therapists required to disclose evidence relevant to the cause of death to a Coroner can speak with the Coroner in advance if they have concerns about confidentiality and impacts of disclosure.



<https://www.bacp.co.uk/media/6305/bacp-managing-confidentiality-legal-resource-gpia014-july2019.pdf>

What you need to do

Register with ICO.

Provide your clients with your data protection processes, and receive written consent. This is your Privacy Notice. You MUST have one.

If you have a website, have a cookie policy. Update the privacy policy.

Prepare for data breaches and Subject Access Requests.

If you're a supervisor, ask to see your supervisee's Privacy Notices.

Do **not** panic.

You are highly unlikely to be fined!

And there's a lot of help and guidance out there.

Head to lcap.co.uk to see our courses on:

Principles of Change in Therapy

What Makes a Good Therapist?

Challenge in Therapy and Counselling

Single Session Therapy

Neuroscience

Attachment

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Thank you.