

Privacy Policy

CREATIVE ARTS THERAPY DEVON CIC

This privacy policy is intended to provide our service users with a clear understanding of how we collect, use, share and store data. This policy and procedure is more than just a necessary document to meet legal requirement, how we process data reflects our belief that everyone, regardless of age, has a right to make fully informed decisions about how their personal information is shared.

To summarise

- ❖ **You** are in charge of your data.
- ❖ We only store data with your **consent**
- ❖ We only use your data for what you have consented for us to use it for
- ❖ We do not keep any data for longer than absolutely necessary.
- ❖ We will do everything we can to ensure that you are **fully informed** as to what you are consenting to.
- ❖ We will not attempt to mislead you into giving us data you are not happy to share.
- ❖ We will do everything we can to ensure that you asserting your right to not share data does not impact on you being able to access our services.
- ❖ You are entitled to request to view the data we hold at any time.

It is our responsibility and priority to safeguard our clients from harm and we will not follow any of the procedures in this document if we think that this may put any of our users or staff at risk of harm. Therefore, this policy should be read alongside our safeguarding policy.

If there is anything in this policy that you are unsure about and you would like us to explain further then please do get in touch.

What data we collect and why

We only collect data necessary to deliver our services and currently collect the following data:

- ❖ Names and contact details, which can include but is not limited to names, phone numbers, and email addresses necessary to communicate with people enquiring about or accessing our services

- ❖ ‘Special Category’ quantitative information, such as gender, ethnicity, religious beliefs, outcome data we may collect and store anonymously to monitor and assess the impact and accessibility of our services
- ❖ ‘Special Category’ information we may collect and store securely for the purposes of safely delivering therapeutic services, for example historical background, medical history, & mental health assessments.
- ❖ Records of interactions between service users and staff considered relevant to the successful delivery of services, for example minutes of meetings, digital communication, and sessions notes.
- ❖ Records of interactions within the therapy service under the legal basis of consent (see **Legal Basis for Collecting Data**). This may include notes taken of sessions or creative art work used during sessions. Although all data shared is considered confidential, those interactions which take place within a therapy service are further restricted by the confidentiality essential to successful delivery of therapy services. It is our policy that all our users have the right to confidentiality within our therapy services and we will only share information with their consent, unless we are requested to share the information for legal purposes or as part of our safeguarding procedures (Please see our confidentiality policy for more information). As such, digital data is stored securely via 3-factor verification and can only be accessed by the caseworker.
- ❖ Anything created by the service user during the therapy will be marked in a box that it is Private & Confidential, will be pseudonymised and kept safe in a locked cabinet. Anything that cannot be stored confidentially, for example because it is too big or needs time to dry prior to storage, will be stored or destroyed with agreement from the service user.

How We Get Personal Information & Why We Have It

The personal information we process may be provided to us directly by our services or through other people and organisations but only with the consent of the service user. How we collect personal information depends on whether you are a beneficiary of our services or have opted to receive marketing information:

Beneficiary information: We may receive this directly from our service user or through referrals completed by other organisations or people with the permission of the service user. We always check that consent has been given before taking personal information from a third party. In the case of children and young people under 16, the parent and carers can make a referral without consent from the child or young person, although we would

consider it best practice for consent to be sought and would enquire as to why it has not been sought from any young person over the age of 13.

Marketing information: We collect contact information for a mailing list to keep people up to date with the services we provide and this information may be provided through social media platforms or during an enquiry process on our website or via phone. We also occasionally conduct consultations to help to develop our services and access funding, during which we anonymously collect data. We have an 'opt in' policy and we also ensure that it is easy for people to opt out when they no longer wish us to have their contact details.

We also update our records annually, checking that people still want to continue to receive marketing information.

Any personal or professional data submitted by you for publication through the link on our website to any social media platforms such as twitter, LinkedIn or Facebook may be available, via the internet, around the world. Although we would not use your data without consent, we cannot prevent the use of this data by others.

We may hold personal data for one of the following reasons:

- ❖ To be able to respond to an enquiry about our services
- ❖ To keep people informed about our services
- ❖ To ensure effective communication between CATDevon practitioners, service users, and other professionals, agencies or relations involved in providing support for users
- ❖ To ensure that we can provide high quality service to meet the needs of our service users
- ❖ As part of our risk assessment process
- ❖ To collect data that can support us to access funding and improve our services, for example through consultation and impact assessment

We also receive personal information indirectly, from the following sources in the following scenarios:

- ❖ We may contact people, either professional or personal, to gather essential information about our service users. However, we never make such contact without consent from the user unless it is part of our safeguarding procedure.

Legal Basis for Processing Data

Under the General Data Protection Regulation (GDPR), it is essential that we provide a lawful basis for processing the data we collect. We provide a range of services and the lawful basis varies according to the type of service we are providing. For example, all therapy interventions require consent, where as other services, such as community arts projects or delivery of training, will have a contractual legal basis for processing data.

Consent:	It is clearly recorded that you have told us that it is ok.
Contractual:	We have an agreement or contract with you or are working with someone who does
Legal Obligation:	We have to comply with the law and so there may be times we process information for statutory reasons e.g when the courts request information
Vital Interests:	In extreme cases it might be necessary to process your information to protect your health and well-being. This is most often to do with safeguarding.
Public Task:	Your personal information might be processed to carry out a legal public duty (it's unlikely we would do this – it's more for the police and local authorities).

Legitimate interest: We might process your information if we believe there is a lawful reason to do so and that it's appropriate to use the information in that way. It could be as simple as using your information to reply to a question you have sent us or processing information to make sure our records are accurate.

Further Information About Consent

You can remove your consent for the processing of data at any time. You can do this by contacting Creative Arts Therapy Devon.

Informed consent is central to our ethos. Therefore, we ensure that we explain in a clear, concise and age-appropriate way what the person is agreeing to.

Therapy Services

In order for our service users to be able to enter into the referral process, we need to process some data/information to gain insight into whether we can meet the needs of the person referred and to assess how we can provide our services safely and effectively.

It is important that our service users are able to consent for each proposed use of data and, therefore, they will never be asked for blanket consent. Rather consent will be sought at each step of the process as different data is sought for different purposes. For example, we will ask for consent for the gathering of referral data and then once the referral process is complete, we will ask for consent to start an intervention plan and how the data collected during that intervention will be shared. Consent agreements are also reviewed over time.

We will do our best to ensure that our service users fully understand what they are consenting to at every stage and that we offer the opportunity to fully consider and understand any consent given. We are also mindful when requesting consent of how our users may consider us to be an authority figure, may want to please us or find it hard to assert their rights. We aim to ensure that our users feel that they always have a choice.

If our users withdraw or refuse consent to process some of the data, we will still aim to provide therapeutic services where possible.

Use of Images of Therapeutic Processes

As creative arts therapists, our service users will often create images or works of art. We honour the therapeutic process by ensuring that these creations are kept confidential unless the user wishes to share them as part of their therapeutic process or the user consents for CAT Devon to use the images to support an outcomes assessment, progress report or case study.

We do not consider it appropriate to ask a service user if we can use these creations as part of promotional material or for financial gain.

However, we may deliver interventions and community projects where it is understood that the aim is a public sharing of what is created. For such interventions, consent must be obtained before starting the intervention.

Children, Young People & Consent

Although we hugely value the importance of working together with parents and other significant people in the lives of the young people we support, there are occasions when young people access our services without the knowledge or consent of their parents or there are times when parents refuse to consent to young people accessing our services. Consent from a child or young person to access our therapy services is sufficient and parental consent is not required as long as the following criteria are met:

- ❖ Practitioners ensure that the child or young person has sufficient information delivered in a clear, age-appropriate way to enable them to make an informed decision
- ❖ Practitioners consider any factors that may be causing undue influence
- ❖ Practitioners consider whether the child or young person is 'Gillick Competent' and gains the expertise of another experienced practitioner to help make this assessment. A child is considered 'Gillick Competent' when they are considered to have sufficient understanding and intelligence to enable them to understand fully what is involved in a proposed intervention. A child may have capacity to consent to some interventions but not others.

Accuracy of Data

It is your responsibility to ensure that you update us to any changes to the details we have on our records, for example change in phone number, and we cannot be held accountable for any data breaches that result from you not keeping us updated.

We will ensure that any data we hold is correct and not misleading to the best of our knowledge:

- ❖ Should we be informed that it is incorrect or misleading, we will take reasonable steps to correct or erase it as soon as possible.

- ❖ When presenting data as fact, we ensure that we consider the accuracy and adequacy of the data.
- ❖ When collating contact details or qualitative data such as dates of birth etc, we ensure that we have correct information stored and check on an annual basis that our records are up to date.
- ❖ When collating qualitative data, such as minutes from meetings, medical history etc, we ensure that we note the date and the source of the information.
- ❖ Opinions about an individual will always be distinguished from fact, clearly stating the name, position and date.
- ❖ Any record that no longer reflects current circumstances is either deleted or, if still relevant for the purposes it was originally obtained, is clearly labelled 'historical' or dated.

If a mistake has been made then this record may be held if the individual(s) effected feels it would be beneficial to do so, for example for it to be logged as part of a complaints process or if this mistake had an impact on others and a record is required as evidence of the cause.

How We Store Your Personal Information

- ❖ We aim to be a paperless organisation.

We consider this to be most the secure means of storing and sharing data. This means that we endeavour to ensure that all communication and record keeping is done digitally. However, we also do not wish this to prevent people accessing our services and acknowledge that there may be occasions when paper documentation is necessary.

Any paper documentation or notes are stored in a locked filing cabinet and aim to be transferred to digital files within 48 hours. Once transferred to digital files any paper documentation must be shredded using a shredder to the minimum standard DIN4.

Creative Arts creations made by users during therapy sessions are to be kept in a box or folder marked Private & Confidential, pseudonymised and kept in a secure place if possible. Those items that cannot be stored in a locked cabinet will be stored or destroyed safely as directed by the service user.

- ❖ We use DropBox, a cloud storage system for storing data. This makes DropBox our data processor. DropBox complies with GDPR in its storage of files whilst we have set up the minimum of 2 factor verification process in order to access these files. More information on how DropBox stores their files to comply with GDPR see https://www.dropbox.com/en_GB/business/trust/compliance
- ❖ The administrator has access to an encrypted USB for backing up data. This USB is stored in a locked filing cabinet when not in use.

- ❖ We use 2-factor verification system for personal data and anonymised sensitive data.

Personal and anonymised data is securely stored on a cloud storage system that requires a 2-factor verification method to access. This is backed up on the administrator's encrypted USB stick, which is removed and kept in a secure cabinet when not in use.

- ❖ We use a 3-factor verification system for sensitive data that has not been anonymised or is identifiable.

Data such as case files, referral forms, confidential session notes are kept on the cloud storage system under 3-factor verification method and are only accessible to those case workers working directly with the client. These files are backed up on the case worker's encrypted USB and kept in a secure cabinet when not in use.

- ❖ Archived case files pseudonymised and secured using 3-factor verification method.

Archives are stored on the cloud storage system and backed up on the administrators encrypted USB. The administrator can grant access to these files on a need-to-know only basis and must keep a log of who, when and why when access is granted.

In addition to the administrator and case worker, the Designated Safeguarding Lead will also have access to the child protection files.

- ❖ We share data via Egress, a secure emailing system. For more information on how Egress complies with GDPR and ensures that confidential data can be shared securely, see <https://www.egress.com/why-egress/compliance>

Emails containing personal data that needs to be saved are filed securely in the cloud system and then deleted from all files in the email programme including the recycle bin.

How Long We Store Data For

We do not keep any data for longer than necessary and update our records annually. We also ensure that it is easy to unsubscribe from service updates.

For therapy and health-related case files, once they are no longer active, these case files are securely archived for the time period required by law:

- ❖ All cases on health-related records must be kept for 7 years.
- ❖ For those service users under 18, their records must be kept for 7 years following their 18th birthday or 8 years after their death, if sooner.
- ❖ In the case of treatment of adopted young people the case files must be kept for 100 years from the date of the adoption order.
- ❖ In the case of treatment of looked-after young people and children in care homes (where care-leaver support extends to age 25), case files must be kept until the persons 75th birthday

- ❖ In the case of children subject to a child protection order at the time of accessing our services, these files must be retained for 5 years from closure of the child protection order or 7 years following their 18th birthday, whichever is the longer.
- ❖ In the case of children subject to a child in need order at the time of accessing our services and who have not been subject to a child protection order, their case files must be retained for 10 years following closure or 7 years following their 18th birthday, whichever is the longer.
- ❖ In the case of children who have been involved in youth services, case files should be retained for 10 years or 7 years after their 18th birthday, whichever is the longer.
- ❖ In the case of records made concerning the behaviour of an adult that poses a risk to children, these records should be retained until the adult is 65 or for 10 years, whichever is longer.

If CATDevon CIC ceases to be a registered company before the end of the retainment period, we will pass the files on to the local authority.

Once the retention period has ended CATDevon CIC will purge any digital files.

Your Data Protection Rights

Under data protection law, you have rights including:

- ❖ Your right of access- you have the right to ask us for copies of your personal information or the personal information of any child or young person for whom you have parental responsibility and is under the age of 16.
- ❖ Your right to rectification- You have the right to ask us to rectify personal information you think is inaccurate or to complete information you think is incomplete.
- ❖ Your right to erasure- You have the right to ask us to erase your personal information. We do not have to erase but we must rectify inaccurate data and it is good practice to consider erasure.
- ❖ Your right to restriction of processing- You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- ❖ Your right to object to processing- You have the right to object to the processing of your personal information in certain circumstances.
- ❖ Your right to data portability- You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights.

If you make a request, we have one month to respond to you.

We have a right to refuse if we feel that this is necessary in order to protect the vital interests of a person or persons or to adhere to our safeguarding policy. If we do refuse a request, we must say why within a month of receiving an access request and offer a complaints enquiry.

