

## Apricot Centre Wellbeing Service (ACWS)

### Employees & Practitioners Data Privacy Notice

#### 1. Introduction

- 1.1 This privacy notice tells Employees & Practitioners what to expect when we collect personal and professional information about you. How we ('explicitly') ask for your consent. Why we need this data. How it will be used. Who it will be shared with. We are committed to safeguarding the privacy of Employees & Practitioners working with the Apricot Centre Wellbeing Service
- 1.2 This policy applies where we are acting as a data controller with respect to the personal/professional data of Employees & Practitioners of the Apricot Centre Wellbeing Service; in other words, where we determine the purposes and means of the processing of that personal/professional data.
- 1.3 In this policy, "we", "us" and "our" refer to *Apricot Centre CIC*. For more information about us, see Section 13.

#### 2. Credit

- 2.1 This document was created using a template from SEQ Legal (<https://seqlegal.com>).

#### 3. How we use your personal or professional data

- 3.1 In this Section 3 we have set out:
  - (a) the general categories of personal or professional data that we may process;
  - (b) in the case of personal or professional data that we did not obtain directly from you, the source and specific categories of that data;
  - (c) the purposes for which we may process personal data; and
  - (d) the legal bases of the processing.
- 3.2 We need to process some data/information about Employees & Practitioners in order to deliver quality, safe, and effective therapeutic services. It is important that our Employees & Practitioners are contracted for specific usages of data. The legal basis for this processing is by "**contractual agreement**"
- 3.3 We may process your users "**account data**". The account data may include your name, role, email, address, names of references, Registration, Insurance numbers/certificates, Qualifications, Address, Telephone numbers, email/s, Emergency contact, Relationship, Emergency contact telephone. The account

data may be processed for the purposes of providing our services, maintaining back-ups of our databases and communicating with you.

- 3.5 We may process "**service data**". The service data may include: Your name, professional role/s, your signature on specific letters/documents/reports. These documents may be sent to service users, their supporting agencies, and may be used in client/commissioner instigated legal activities on our discretion. Such documentation is held securely on GSuite. In our SuiteCRM Sessions Module a practitioner may be referred to or named in information relating to their work with clients. In the Incidents Module - Practitioner may be named with details in incidents relating to complaints, accidents, safeguarding concerns, and other incidents . The source of the account data is your notes/records, and reports/documents written by yourself or another practitioner or manager of the service. The service data may be processed for the purposes of providing our services, ensuring the security of our services, maintaining back-ups of our databases and communicating with you.
- 3.11 We may process "**correspondence data**" information contained in or relating to any communication made between yourself and service users, other agencies, and the ACWS team. The correspondence data may include the communication content and metadata associated with the communication. Your name, and professional role/s, and details relating to your professional work and involvement may also appear in email correspondence held on GMail within the GSuite environment, and in letters and other correspondence held on the GSuite system. The source of the service data is yourself, references to your work by other Employees & Practitioners/managers or service user or supporting agency correspondence. The correspondence data may be processed for the purposes of communicating with you and record-keeping.
- 3.13 We may process any of your personal/professional data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 3.12. Clinical and peer supervision is an important part of our best and safe practice and our team approach. All data shared for supervision will be done confidentially and professionally. We may process "**supervision data**". The **supervision data** may include: Your name, professional role/s, and information referring to your practice, personal information which you share in supervision. Peer supervision notes should not be written to identify you. Such documentation is held securely on GSuite and is protected only for specific people to access. The service data may be processed for the purposes of providing and improving our services, ensuring the security of our services, maintaining back-ups of our databases and communicating with you.

- 3.12. We may process "**staff appraisal data**". Staff appraisal data will include: Your name, professional role/s, and information referring to your practice, personal information which you share during appraisal. The source of such information will be yourself, other Employees & Practitioners or managers of ACWS, service users feedback/complaints, feedback from other agencies, information from your referees, and information from clinical supervisors. Such documentation is held securely on GSuite and is protected only for specific people to access. The service data may be processed for the purposes of providing and improving our services, ensuring the security of our services, maintaining back-ups of our databases and communicating with you.
- 3.13. We may process "**professional data**". Professional data will include information that you have agreed for us to share with referring agencies, and commissioning bodies: Your name, professional role/s, your employment history, training history, professional achievements, interests etc.. as appear in your Curriculum Vitae. The source of such information will be yourself, Such documentation is held securely on GSuite and is protected only for specific people to access. Professional data may be processed for the purposes of securing contracts, agreeing referrals, and ensuring the quality of our services to commissioners/referrers.
- 3.13. We may process "**incidents data**". Incidents data relates to complaints, concerns raised, safeguarding processes, breaches of information, and any other incident relating to safety, quality of service, or leadership/management of service. On occasions such incidents data may name you, your professional role, and details relating to the incident. Such documentation is held in the Incidents Module on SuiteCRM and is protected only for specific people to access.
- 3.14 We may process any of your personal or professional data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 3.15 In addition to the specific purposes for which we may process your personal or professional data set out in this Section 3, we may also process [any of your personal data] where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

#### **4. Providing your personal or professional data to others**

- 4.1 We may disclose your professional data to referrers and other commissioning agencies, such as giving your professional qualifications, your DBS status, or sharing your CV for the purposes of; demonstrating safety, relevant skill-base or quality of service.

- 4.2 We may disclose your personal or professional data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.4 Your personal data for financial transactions relating to ACWS service may be handled by our payment services providers (our Bank and/or *QuickBooks Online*). We will share "**transaction data**" with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds.
- 4.5 Clinical and Process Notes - To ensure that Employees & Practitioners comply with the GDPR requirements, we strongly advise that process notes, that often include references to yourself and including people other than the client in therapy, should be shredded and disposed of like other confidential material as soon as possible (this is often following supervision) and that only clinical notes should be kept. For trainees, process notes should be kept until confirmation of qualification award, following submission of written work to meet academic requirements. The Apricot Centre will need to keep Employees & Practitioners clinical notes for up to six years as this is the timeframe within which someone can take legal action against their therapist after therapy has ended. However, this time limit is extended for children to six years after their eighteenth birthday or for people who have no capacity to take an action within the timeframe (severe mental health problems, etc.). If evidence is convincing, the court may allow a case to proceed even after the deadline has elapsed as it has discretion to do so.
- 4.6 In addition to the specific disclosures of personal or professional data set out in this Section 4, we may disclose your personal or professional data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal or professional data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.7 We use a number of different services to communicate with clients and mentees and event delegates. For therapeutic/mentoring contracts this may include the use of end-to-end encrypted chat services or text messaging for which we would agree with you in advance consent to use your mobile number within this end-to-end encrypted service for the period of therapy only. Occasionally it may benefit therapeutic planning to make use of email or text messaging in order to communicate.

## **5. International transfers of your personal data**

- 5.1 In this Section 5, we provide information about the circumstances in which your personal or professional data may be transferred to countries outside the European Economic Area (EEA).
- 5.2 We are based in the United Kingdom. The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to each of these countries will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the European Commission, a copy of which can be obtained from their website.
- 5.3 The hosting facilities for our Customer Relationships Management (SuiteCRM) and G Suite are situated in *London and the EU respectively*. ACWS uses G Suite to process personal data. Google comply with the legislation set out under Relevant Legislation. Google is based in the USA and is EU-U.S Privacy Shield compliant.
- 5.4 You acknowledge that personal or professional data that you submit for publication through the link on our website to twitter or facebook may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal or professional data by others.

## **6. Retaining and deleting personal data**

- 6.1 This Section 6 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 6.2 personal or professional data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 Data relating to PAYE, maternity pay or SMP (statutory mandatory pay) will only be kept for 3 years after after you stop working for ACWS, as that is how long the HMRC may be interested in the information for conducting reviews or audits.
- 6.4 Data such as employees' or sub-contractors personal records, performance appraisals, employment contracts, etc. will be held on to for 6 years after you have left ACWS.
- 6.5 Notwithstanding the other provisions of this Section 6, we may retain your professional or personal or professional data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## **7. Data Breaches**

- 7.1 We undertake to report any data breach to the data protection regulator within 72 hours, and we will also inform those affected by the breach including, clients, family members, support agencies. Data breaches will be recorded as incidents and followed-up until satisfactorily dealt with.

## **8. Amendments**

- 8.1 We may update this policy from time to time by publishing a new version on our website.
- 8.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 8.3 We may notify you of significant changes to this policy by email, by word of mouth or by letter.

## **9. Your rights**

- 9.1 In this Section 9, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 9.2 Your principal rights under data protection law are:
- (a) the right to access;
  - (b) the right to rectification;
  - (c) the right to erasure;
  - (d) the right to restrict processing;
  - (e) the right to object to processing;
  - (f) the right to data portability;
  - (g) the right to complain to a supervisory authority; and
  - (h) the right to withdraw explicit consent.
- 9.3 You have the right to confirmation as to whether or not we process your personal or professional data and, where we do, access to the personal/professional data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal or professional data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy

will be provided free of charge, but additional copies may be subject to a reasonable fee.

- 9.4 You have the right to have any inaccurate personal or professional data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal or professional data about you completed.
- 9.5 In some circumstances you have the right to the erasure of your personal or professional data without undue delay. Those circumstances include: the personal or professional data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw explicit consent to explicit consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal or professional data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.
- 9.6 In some circumstances you have the right to restrict the processing of your personal/professional data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal or professional data for the purposes of our processing, but you require personal or professional data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your explicit consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 9.7 You have the right to object to our processing of your personal/professional data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 9.9 You have the right to object to our processing of your personal or professional data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is



necessary for the performance of a task carried out for reasons of public interest.

- 9.10 To the extent that the legal basis for our processing of your personal or professional data is by contract or agreement and that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract, and such processing is carried out by automated means, you have the right to receive your personal or professional data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.
- 9.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 9.12 To the extent that the legal basis for our processing of your personal information is explicit consent, you have the right to withdraw that explicit consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 9.13 You may exercise any of your rights in relation to your personal data [by written notice to us.

### **13. Our details**

- 13.1 Apricot Centre Wellbeing Services are owned and operated by Directors of *Apricot Centre CIC*.
- 13.2 We are registered Apricot Centre Wellbeing Service is a Community Interest in England and Wales under registration number Company No: 07298409, and our business registered office is at Huxhams Cross Farm, Rattery Lane, Dartington, Totnes. TQ9 6AA .
- 13.3 Our principal place of business is at at Huxhams Cross Farm, Rattery Lane, Dartington, Totnes. TQ9 6AA and at Red Gables, Ipswich Road,, Stowmarket, IP14 1BE.
- 13.4 You can contact us:
- (a) by post, to the postal address given above;
  - (b) by telephone, on the contact number/s published on our website from time to time; or





- (c) by email, using the email address published on our website from time to time.

**14. Data protection officer**

- 14.1 Our data protection officer's contact details are: *Bob Mehew* - [bob.mehew@apricotcentre.co.uk](mailto:bob.mehew@apricotcentre.co.uk)