

CASPARI FOUNDATION DATA HANDLING POLICY

This policy provides for the Caspari Foundation (CF), qualified Educational Psychotherapists (EPT) and Educational Psychotherapists in training (EPTTs), CF staff and all CF volunteers. This policy covers 'at a glance' guidance for what is personal data, who collects and processes data, the handling of all personal data and storage of personal data. It follows government and the Information Commissioners Office GDPR guidance.

*This policy is a **guide only** and does not replace the need for EPTs, EPTTs, staff and volunteers to fully understand their legal requirements under the **Data Protection Act 2018 (DPA 2018)**.*

It is essential that you access the links below to ensure that you are fully compliant with legal requirements as set out in the DPA 2018.

Links:

<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

<https://www.gov.uk/data-protection>

What is personal data?

Personal data means information about a particular living individual. This might be anyone, including a customer, client, employee, partner, member, supporter, business contact, public official or member of the public.

It doesn't need to be 'private' information – even information which is public knowledge or is about someone's professional life can be personal data.

It doesn't cover truly anonymous information – but if you could still identify someone from the details, or by combining it with other information, it will count as personal data.

Controllers and processors

For the purposes of understanding what an EPTs and EPTTs responsibilities are, you are identified as the '**controller**' of the data collected and processed.

Staff and volunteers collecting and processing data on behalf of the CF are '**processors**', the natural or legal person processing personal data on behalf of the CF.

What is a 'controller'?

A controller is the person that decides how and why to collect and use the data. This will usually be an organisation (here the CF), but can be an individual (*e.g. a sole trader/practitioner*). The controller must make sure that the processing of that data complies with data protection law.

What is processing?

Almost anything you do with data counts as processing; including collecting, recording, storing, using, analysing, combining, disclosing or deleting it.

It only includes paper records if you plan to put them on a computer (or other digital device) or file them in an organised way.

Handling of personal data

Confidentiality and appropriate handling of confidential information is an essential part of a therapist's and organisations duty of care to a client and enforceable in the law of tort*.

Therapists and organisations have a duty to keep records appropriate to the service provided and ensure that these records are adequate, relevant and limited to what is necessary and take into account the ethical and legal requirements for processing records.

It is recommended that EPTs and EPTts register with the Information Commissioner's Office (ICO). See link below. This is not mandatory but registering as a sole practitioner shows your clients and the organisations where you practice, that you are aware of GDPR legal requirements when gathering, storing and handling collected data and that this is carried out with the utmost care, transparency, confidentiality and with respect towards the individual rights of your clients.

The CF is registered with the ICO.

<https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>

As an EPT and EPTt you will ensure that data collected on behalf of a client **will** be:

- Accurate and kept up to date
- Collected fairly and for lawful purposes only
- Processed within legal, moral and ethical boundaries
- Protected against any unauthorized or illegal access by internal or external parties

Data collected **will not** be:

- Communicated informally
- Stored for more than a specified amount of time
- Distributed to any party other than the ones agreed upon by the data's owner (exempting legitimate requests from law enforcement authorities). *It is essential that*

you make it clear to clients that your work will be supervised and how this affects your data collection, storage and sharing.

Storing personal data

- You need to set standard retention periods wherever possible, to comply with documentation requirements. For the therapeutic profession, it is recommended that you keep your client records for at least seven years from the date of the last session. If you have concerns about any clients, or in the case of a minor, it's best to keep them indefinitely. If you dispose of any paper records, you should shred them, preferably using a certified document disposal service.
- You should also periodically **review** the data you hold, and erase or anonymise it when you no longer need it.
- You must carefully consider any challenges to your retention of data. Individuals have a right to erasure if you no longer need the data.
- You can keep personal data for longer if you are only keeping it for public interest archiving, scientific or historical research, or statistical purposes.

Queries

If you have any uncertainties about how you should proceed with gathering and storing sensitive data, please discuss with your supervisor or seek advice from the Caspari Foundation Admin Team who can forward your query on to the Ethics and Professional Affairs Committee.

* The law of tort is the law of behaviour that is legally 'wrong' giving rise to an entitlement to a remedy for the claimant.