



Registered charity no: 1042995

Wellspring Counselling

Confidentiality and General Data Protection and Regulation (GDPR) and Access to Records Policy and Guidelines

These guidelines have been prepared in consultation with Government and Local Authority publicly available websites.

November 2022



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Responsibilities

The ultimate responsibility for overseeing the updating of Policies lies with the Trustees. The Trustees of Wellspring Counselling Ltd will hold the overall responsibility for monitoring the implementation of this policy. The Director of Wellspring Counselling Ltd will hold responsibility for the day-to-day implementation of this policy. The Director of Wellspring Counselling Ltd will review policy and procedures every 2 years, or sooner if legislation changes, in conjunction with the Trustees.

Policy statement

Wellspring Counselling Ltd is committed to conducting business in an ethical and honest manner and is committed to implementing and enforcing systems that ensure client and staff data is protected. As an affiliated member of the British Association for Counsellors and Psychotherapists (BACP), Wellspring Counselling Ltd is committed to following their ethical framework which includes responsibilities around the confidentiality of all staff and client information. We are bound by the laws of the UK, including the The General Data Protection Regulation (EU) 2016/679 (GDPR) which came into effect on 25 May 2018.

Scope of policy

This Confidentiality and GDPR policy exists to set out the responsibilities of Wellspring Counselling Ltd, its employees and volunteers regarding protecting all client and staff data. If an employee or volunteer breaches this policy, they will face disciplinary action and could face dismissal for gross misconduct. Wellspring Counselling Ltd has the right to terminate a contractual relationship with an employee or volunteer if they breach this GDPR policy.

Definitions

Honouring confidentiality is a fundamental requirement of working with clients in a therapeutic environment as well as for all staff. The exceptions to this are where there is a concern for the safety of the client or somebody connected with them, or where it is required by law, and for regular Clinical Supervision during which the client data is anonymised as far as possible. The General Data Protection Regulation (GDPR) is a compliance standard intended to strengthen data protection for individuals across the European Union. GDPR replaces the 1995 data protection directive and changes the way companies must handle the personal data of EU residents. The GDPR aims primarily to give control to individuals over their personal data so that companies are required to gain written consent to the way in which it handles their data. Breaches of GDPR can/will result in fines by the Information Commissioner's Office (ICO).



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Duties

Wellspring is required to gain written consent for the way in which it handles all client and staff data. This will be done by ensuring all clients and staff have sight of the relevant Privacy notice and sign the contract to give their consent to Wellspring's description of how they will handle data.

A GDPR audit will be completed on an annual basis to ensure no changes are needed to Wellspring Counselling Ltd's processes to keep data secure. See Appendix 1

All staff must comply with all Wellspring Confidentiality and GDPR requirements. If they are uncertain about whether something is a breach of Confidentiality or GDPR, they must seek further advice from the Director of Wellspring Counselling Ltd.

Confidentiality

Included within **each** client contract with Wellspring Counselling Ltd is the wording: 'Confidentiality'

No information will be given to anyone outside Wellspring without your permission. The only exceptions are:

- If you are at risk of harm from yourself or from other people
- If someone else connected with you may be at risk of harm.
- If there is risk of harm to a child.
- When we are legally required to do so

And:

Client Consent to Consultation

I consent to there being consultation between my Counsellor, the Director of Wellspring or the Counselling Supervisor and any Doctor, or other health care professional or Social Worker, for the purpose of assessment of risk to myself or another person, or to further enhance the level of care and support being offered by Wellspring Counselling. Such consultation will take place with my prior knowledge when possible and will be carried out respectfully at all times.'

The **adult** contract includes:

However, should such circumstances arise, you would be encouraged to discuss these concerns with your Counsellor and they may need to pass this information on to your doctor or the safeguarding lead.

The **11-18 years old young person's** contract includes the following:

If any of these circumstances arise, you would be encouraged to discuss these concerns with your Counsellor who may need to inform your parents unless this would make you unsafe and then the counsellor would pass this information to the Safeguarding lead who



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will speak to the appropriate agencies.

All clients have to sign this contract on or before their first session with Wellspring.

Privacy notices

Wellspring has separate Privacy Notices for staff and clients (see Appendix 2a and 2b). These statements confirm how Wellspring Counselling Ltd uses and protects any information that staff, subcontractors and clients give to the organisation whilst connected with or using our service. The privacy notice is given out with the counselling contract.

Wellspring Counselling Ltd is committed to safeguarding and protecting staff, sub-contractor and client information. Any information acquired by a member of staff will only be used according to these privacy notices. Wellspring has the responsibility to make all current staff, sub-contractors and clients aware of any change in the privacy policy. For the purposes of the Data Protection Act 1998 and General Data Protection Regulation 2016 The Director of Wellspring Counselling Ltd is the data controller of Wellspring Counselling Ltd, Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS.

What information we collect

Wellspring Counselling Ltd stores client name, telephone number and email address and other personal information provided by the client to Wellspring Counselling Ltd on a secure database. Wellspring also collects parents and next of kin names and contact numbers and may receive letter written about clients from other professionals. Therapists are expected to keep brief notes recording the themes of client sessions, their personal details, and Routine Outcome Monitoring (ROMs) scores, which are recorded on the secure online Database. Any hard copies are shredded immediately after recording on the Database, or stored in a locked filing cabinet and destroyed 7 years after sessions end, unless agreed otherwise. Any reports written about clients are kept on password protected computers.

Trainee Counsellors may use anonymised client session data to complete their qualifications, including written notes and recordings provided they have fully informed written consent obtained in the first session from the client. Consent from Wellspring will be handed in with assignments and not the client's consent form. Trainees are expected to use their institutions' paperwork for these purposes.

How we store data

Any written or audio recordings of sessions made for educational purposes are stored on an encrypted memory stick and will be destroyed after assessment requirements are completed. Any information stored on a computer and online will be kept securely



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on a password-protected computer or encrypted Database. Client contact and appointment details will be kept for 7 years after their sessions end and then destroyed unless agreed otherwise. Any emails, text messages or other communications will be deleted at any time but not later than three months after receipt unless they form part of client notes or are needed for tax purposes in which case they will be kept for 7 years as above.

Clients' telephone numbers will not be stored on counsellor's mobile phones but only used for the duration of sessions when needed and deleted after calls have been completed and counsellors need to be aware of how their itemized bills are stored when necessary. Counsellors should access client phone numbers via the secure database. If any reports are provided on a client's behalf then these will be stored electronically for 7 years password protected, and/or in a locked filing cabinet.

Clients' and their relative's phone numbers and email addresses should not be sent by email but just first names and an anonymized code used which links to the secure database where all staff can obtain this information when necessary.

All staff data is stored on password protected laptops, and the HMRC secure online website for Payroll, as well as hard copied being stored in locked filing cabinets. All data is kept for 7 years and then shredded securely.

Wellspring Counselling Ltd stores a note of client appointments on an end-to-end encrypted online Database. This information is kept for 7 years. At the end of these periods respectively Wellspring Counselling Ltd will confidentially shred all remaining hard copies and will use a specialist software programme to delete any data stored digitally. Appointment details kept on paper use first name only with no other identifiable details.

Client request to access their records

If a Wellspring Counselling Ltd client or member of staff, current or previous, requests to access their records, the procedure must be followed as recommended by the Information Commissioner's Office (ICO) under GDPR. See Appendix 4.

The correct forms must also be signed (See Appendix 4) and the timing recommended by the ICO complied with.

Raising concerns

All Wellspring Counselling employees and volunteers are equally responsible for the prevention, detection, and reporting of any forms of breaches of this policy. They are required to avoid any activities that could lead to or imply a breach of this policy. If you have reason to believe or suspect that an instance of a breach of confidentiality or



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GDPR has occurred, you must notify the Director of Wellspring Counselling Ltd.

Signed by Chair of Trustees (on behalf of Wellspring Counselling)

Date _____

Appendix 1

GDPR Data Audit Template:

1. What data do you collect?

Name, email address, address, telephone numbers, skype address, WhatsApp, other social media, location, IP address, cookies, bank and NI/Pension details for Payroll
Session notes, supervision notes, art work, texts etc

2. What are you using the data for?

Name: customer service/staff employment
Contact number: contact if apt needs changing
Address: contact for changing apt and in case of emergency
Email address: contact for changing apt and in case of emergency etc
To provide client with sessions or supervision

3. Where do you store the data?

Website, documents, databases, backups, email lists, mobile phone, paper notes

4. How do you protect the data you hold?

Passwords, encryption, secure server, limited access, locked filing cabinet

5. How long do you plan to keep data for? (maybe different lengths of time for different data such as session notes, records of sessions, texts, emails)

1 month
3 years
5 years
7 years etc

6. Do you still need the data?

What checks do you have in place to check you still need the data?
When do you review this?

7. Consents

What consents do you obtain?
Annual renewal of consents ie do you have sufficient consents? Original contract may be sufficient or may not be depending on circumstances
Is there any change?

8. What do you do if someone asks to be removed from your records?

Who does this?
What records need to be checked?
What are limits required by insurance broker?
What can be removed and what do you need to keep to comply with insurance and income tax requirements.



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Appendix 2a Privacy Notices

Staff and sub-contractors

Privacy Notice of Wellspring Counselling Ltd – Staff & Sub-contractors

This statement confirms how Wellspring Counselling Ltd uses and protects any information that you give to the organisation whilst working/volunteering in/sub-contracted by this service.

Wellspring is committed to safeguarding and protecting your information. If a member of staff asks you for any information it will only be used according to this privacy statement.

Wellspring may change this policy from time to time in line with legislation and whilst you are still working/volunteering in/sub-contracted by our service, will provide you with a copy of any change. If you have ceased working/volunteering in/being sub-contracted by our service and you would like a copy of Wellspring's up to date privacy policy you will be provided with one on request. Wellspring will also update the organisation's website <http://www.wellspringsomerset.btck.co.uk/> and would advise that you check that from time to time to be aware of any changes. This policy is effective from 25 May 2018.

For the purposes of Data Protection Act 1998 and General Data Protection Regulation 2016 The Director of Wellspring Counselling Ltd is the data controller of Wellspring Counselling Ltd, Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS.

Your data

Information Wellspring collects: Wellspring stores your name, telephone number and email address and other personal information that you provide to the organisation, including PAYE details where relevant.

How Wellspring stores information: Wellspring keeps copies of all information provided to us relevant to working/volunteering in/sub-contracted by the service, as well as Supervision and Annual review documents where relevant. These are stored in a locked filing cabinet and destroyed 7 years after your work/volunteering in the service ends, unless agreed otherwise. Any information stored online will be kept securely on a password protected computer. Your details will be kept for 7 years after your working/volunteering in/being sub-contracted by the service ends and then destroyed unless agreed otherwise. Any emails, texts messages or other communications will be deleted at any time but not later than three months after receipt unless they form part of your employment/volunteering/sub-contracting records, are relevant for client notes or are needed for tax purposes in which case they will be kept for 7 years as above. Your telephone number will be stored on Administrative staff and the Director's mobile phones under your full name until your work/volunteering in/being sub-contracted by the service ends at which point it will be deleted. If staff change telephones then your details will be deleted on the old phones. If any reports or references are provided on



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your behalf then these will be stored for 7 years password protected. At the end of this period Wellspring will confidentially shred all paper copies and will use a specialist software programme to delete any data stored digitally.

How Wellspring uses this information: Wellspring will use your contact details to arrange work/volunteering/sub-contracting for you according to Wellspring's contract/agreement with you including contacting you about client appointments, running and maintaining the organisation, PAYE where relevant and fundraising events. Wellspring will not use contact information or your personal details for any other purpose other than in this notice and the contract/agreement with you. If for any reason Wellspring is asked to provide a report/reference – eg at your request then this will be sent, password protected to the person requesting it. In some circumstances you may request to approve the report/reference before it is sent out. It will also be stored for 7 years. Reporting to the Trustees Management Board for the purpose of effective running of the organisation may include your full name. Anonymised information will be used for reporting to funding bodies, NHS England and in promotional talks and literature.

Your rights and Access to Information: You have the right to ask to see any information that Wellspring holds about you. Unless prevented from doing so by legal reasons, Wellspring will provide this information to you within a month of your request. Wellspring can arrange for you to look at this in a session with a member of staff. You also have the right to ask Wellspring to change any information that is held that is incorrect and to ask for any information held about you to be deleted. Wellspring will do this except for any information that needs to be held for legal purposes such as tax purposes.

Complaints: If you wish to complain about how Wellspring holds your data in any way then in the first instance please contact the Director of Wellspring who is the data controller of Wellspring Counselling Ltd at Chapel Precinct, 74 Silver Street, Nailsea, Bristol, BS48 2DS. If you have any further concerns which are not addressed then you should contact the Chair of Trustees at Wellspring Counselling Ltd at Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS. If you have any further concerns which are not addressed then you should contact Information Commissioner's Office at <https://ico.org/concerns/handling/> or 0303 123 1113.

Breaches: Wellspring will report any data breach to the Information Commissioner, to BACP and to yourself within 72 hours if it becomes apparent that any data is stolen. Wellspring's data protection registration reference is A8157338

Contact: If you wish to contact Wellspring with questions, concerns, complaints or request for your information then please contact the Director of Wellspring, Wellspring Counselling Ltd, Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS, telephone number 01275810879.

Appendix 2b



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Privacy Notice of Wellspring Counselling Ltd - Clients

This statement confirms how Wellspring Counselling Ltd uses and protects any information that you give to the organisation whilst using this service.

Wellspring is committed to safeguarding and protecting your information. If a member of staff asks you for any information it will only be used according to this privacy statement.

Wellspring may change this policy from time to time in line with legislation and whilst you are still using our services, will provide you with a copy of any change. If you have ceased using our services and you would like a copy of Wellspring's up to date privacy policy you will be provided with one on request. Wellspring will also update the organisation's website <http://www.wellspringsomerset.btck.co.uk/> and would advise that you check that from time to time to be aware of any changes. This policy is effective from 25 May 2018.

For the purposes of the Data Protection Act 1998 and General Data Protection Regulation 2016 The Director of Wellspring Counselling Ltd is the data controller of Wellspring Counselling Ltd, Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS.

Your data

Information Wellspring collects: Wellspring stores your name, telephone number and email address and other personal information that you provide to Wellspring, including payments made. Counsellors will also write brief notes of sessions.

How Wellspring stores information: Wellspring Counsellors keep brief notes recording the themes of your counselling sessions. These are stored in a locked filing cabinet and destroyed 7 years after your counselling sessions end unless agreed otherwise. Payments made by cheque will be stored in a locked filing cabinet for no more than 3 weeks. Any information stored online will be kept securely on a password protected computer. Your contact and appointment details will be kept for 7 years after your counselling sessions end and then destroyed unless agreed otherwise. Any emails, texts messages or other communications will be deleted at any time but not later than three months after receipt unless they form part of your notes or are needed for tax purposes in which case they will be kept for 7 years as above. Your telephone number will be stored on your Counsellor's mobile phone under your initials or your first name only until your sessions end at which point it will be deleted. If your Counsellor changes telephones then your details will be deleted on the old phone. If any reports are provided on your behalf then these will be stored electronically for 7 years password protected, and/or in a locked filing cabinet. Wellspring stores a note of your appointments in the Wellspring paper diary and database which is end-to-end encrypted. Your personal details will also be stored on Wellspring's database which is end-to-end encrypted. This is kept for 7 years. At the end of these periods respectively Wellspring will confidentially shred all paper copies and will use a specialist software programme to delete any data stored digitally.

How Wellspring uses this information: Wellspring will use your contact details to engage in the work with you according to Wellspring's contract with you including



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contacting you about appointments, keeping records such as appointments, running and maintaining the organisation. Wellspring Counsellors also keep brief notes of counselling sessions in order to support them in offering you counselling. Wellspring will not use contact information or your session notes for any other purpose other than in this notice and the contract. If for any reason Wellspring is asked to provide a report of the sessions – eg at your request then this will be sent to you, password protected for your approval before it is provided to the person requesting it. It will also be stored for 7 years. Anonymised information will be used for reporting to funding bodies, NHS England and in promotional talks and literature, unless agreed otherwise. Trainee Counsellors may use anonymised information for assessment purposes. All Counsellors will use anonymised information in clinical supervision.

Your rights and Access to Information: You have the right to ask to see any information that Wellspring holds about you. Unless prevented from doing so by legal reasons, Wellspring will provide this information to you within a month of your request. Wellspring can arrange for you to look at this in a session with a Counsellor. You also have the right to ask Wellspring to change any information that is held that is incorrect and to ask for any information held about you to be deleted. Wellspring will do this except for any information that needs to be held for legal purposes such as tax purposes.

Complaints: If you wish to complain about how Wellspring holds your data in any way then in the first instance please contact the Director of Wellspring who is the data controller of Wellspring Counselling Ltd at Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS. If you have any further concerns which are not addressed then you should contact the Chair of Trustees at Wellspring Counselling Ltd at Chapel Precinct, 74 Silver Street, Nailsea, Bristol, BS48 2DS. If you have any further concerns which are not addressed then you should contact Information Commissioner's Office at <https://ico.org/concerns/handling/> or 0303 123 1113.

Breaches: Wellspring will report any data breach to the Information Commissioner, to BACP and to yourself within 72 hours if it becomes apparent that any data is stolen. Wellspring's data protection registration reference is A8157338.

Contact: If you wish to contact Wellspring with questions, concerns, complaints or request for your information then please contact the Director of Wellspring, Wellspring Counselling Ltd at Methodist Church, 74 Silver Street, Nailsea, Bristol, BS48 2DS, telephone number 01275810879.

Appendix 3 Client or staff request to access their records

Procedures

Wellspring Counselling Ltd

Access to Records Procedures. Information for clients

Please note: Access to any personal information is subject to the terms and conditions of the Data Protection Act 1998. Any information released to data subjects may be subject to the exemptions specified in that Act

Any client of the Service, past or present, is entitled to ask to see their records. This is known as a Subject Access Request (SAR) under the Data Protection Act 1998.

Wellspring has procedures to deal with such requests.

The procedures are as follows:

- You will need to make a formal request in writing to see your counselling records: this is done via Wellspring's Data Protection Officer (DPO) ie. Wellspring's Director. This can be done either in a letter or by using Wellspring Counselling's Access to records form
- As all Wellspring data access requests must go through the DPO, this entails you agreeing to waive confidentiality regarding your records held at Wellspring for Counselling. The DPO will, however, keep this information strictly confidential.
- The DPO may ask you to prove your identity, and you will be charged a small administration fee (£10).
- Wellspring has 40 days to comply with a request from the day on which the request and any fees are received. You will therefore be contacted within this timescale by Wellspring to arrange a time for you to call in and see your records.
- Our preference is that you would meet with a member of the counselling staff (your own Counsellor or another), be given a copy of your records, and a room where you may look at these uninterrupted.
- When you have finished you may meet again with the designated Counsellor to discuss any concerns or questions that you may have about the content. This is to ensure that as far as is reasonable you have had time to process the information.
- The counsellor will ensure that the records are understandable (for example, any abbreviations used in the notes are explained). This does not affect your legal rights in any way.
- You have the right to request that any factual errors are corrected. If this is the case, then this would need to be discussed with the Counsellor who wrote the notes. Such requests for amendments, even if not agreed with, would be noted in the records

- If you wish to take copies of any of your records we will ask you to sign a form to this effect before leaving.
- The Data Protection Officer is then informed that you have had access to your records, and this is then noted in your records.

Please note that as Counsellors we have ethical obligations to all our clients, and will do our utmost to act in your best interests. If you are a current client of the service, and are thinking of accessing your records we would encourage you to speak with your Counsellor in the first instance. If you are a past user of the service you may like to ring and ask to speak either to the Administrator or to the Director of Wellspring.

Whilst we cannot insist that a client meets with us to read their notes, we think this is advisable. We have an obligation to clients to ensure they understand the records that they see, can ask questions and have support to deal with any unexpected feelings or responses that might arise for them.

Other useful information

Reasons for limited access

- Sometimes access to records may be limited: 'Access to information identifying contributions by third parties, e.g. family members, may be withheld to protect the confidentiality of these third parties'.
- Access to information may also be withheld where access would result in 'serious harm' or distress caused to the data subject, or to another person. Serious harm relates to the physical or mental health or conditions of the data subject or third party concerned'.

Third party access

- If you choose to take away copies of any of your records, you should be aware of your responsibility to keep the copies secure and confidential, of the potential consequences of a third party having access to the copies and to the possibility of forced disclosure (e.g. in the case of police search).
- It is important to be aware of the significance of allowing your records to be given to a third party e.g. to a solicitor. For example, a client who takes a full copy of their records and forwards only some to their solicitor in support of a legal case for compensation needs to know that the opposing legal team can request access to all of the notes in the client's possession. Further, disclosure can be made available to all parties; prosecution as well as defence.
- Our preference, therefore is always to release records to the client in person, and allow them to forward them as they see fit, rather than respond directly to request from, e.g. solicitors

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G1 Information Sheet. Bond & Jenkins, 2008. Access to records of counselling and psychotherapy. The British Association for Counselling and Psychotherapy

Forms

Wellspring Counselling

Request to access personal records

Please complete the following information, then date and sign this request

Full name: _____

Date of birth: _____

Address: _____

Postcode: _____

Please state which records you would like to access: _____

I confirm that I agree to waive my right to confidentiality regarding my records held at Wellspring Counselling so that this request can be processed by Wellspring's Data Protection Officer. The Wellspring DPO is the Director of Wellspring and will, of course, keep this information strictly confidential.

I have been given a copy of Wellspring's procedures for access to records. Yes/No

Signed _____

Date: _____

Wellspring Counselling Receipt for copies of personal records

Please complete the following information, then date and sign this receipt

Full name: _____

Date of birth: _____

Address: _____

Postcode: _____



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I confirm that I am aware of my responsibility to keep these copies secure and confidential, and of the potential consequences of a third party having access to the copies and to the possibility of forced disclosure (e.g. in the case of police search). I agree that Wellspring Counselling Ltd no longer has responsibility for the security and confidentiality of these copies. Yes / No

I have been given a copy of Wellspring's procedures for access to records. Yes / No

Signed _____

Date: _____

Signed: _____

Date: _____

Position at Wellspring Counselling: _____