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## Section A

### Introduction

Data held by *Marion Mensing Counselling* will be held lawfully and for the retention periods set out in section B of this policy document.

This document refers to:

- Written Documents
- Spreadsheets
- Hardcopy case notes and files
- Database entries
- Images
- Recordings
- Emails
- Text messages
- Supervision notes
- Visits to Marion Mensing's website
- Social media communication

### Aim and Purpose

The purpose of this document is to ensure that *Marion Mensing Counselling* has a framework that ensures the rights and freedom of individuals in relation to their personal data (Article 1) and adheres to best practice in the management of client information and business records.

Information Governance sets out the way in which information collated by an organisation is managed and ensures that any information collected;

- is the right information
- is in the right place
- at the right time
- with the right people
- for the right reasons

***This is a live document and may be updated at any time to reflect changes in law or growth of the business, and therefore should be revisited regularly to check for any updates.*** Marion Mensing is fully committed to ensuring clients privacy and data protection rights.

*For the purpose of this policy Marion Mensing—as a sole trader—is the Data Protection Officer/Controller for Marion Mensing Counselling.*



### Information Governance Framework Principles for *Marion Mensing Counselling*

- 1.** Assessment needs for Information Governance (IG) Training have been identified and fully met, with a 75 minute GDPR CPD Course provided by the Clinical Hypnotherapy School ([www.clinicalhypnotherapyschool.com](http://www.clinicalhypnotherapyschool.com)) completed. Refresher training is completed every two years.
- 2.** Any changes to the business processes and/or operations will be planned and will comply with the framework to ensure any risks to personal and sensitive information are minimised.
- 3.** Any data collected is solely for the purpose of providing a person-centred service to an individual client.
- 4.** The Caldicott Principles—<https://www.igt.hscic.gov.uk/Caldicott2Principles.aspx>— are used to provide guidance in best practice when handling personal data, alongside the Guidance of the Data Protection Commission in Ireland and the ICO's Office Codes of Practice in UK.
- 5.** All technology used to store or facilitate information and communication is maintained according to the Data Retention Policy for *Marion Mensing Counselling*.
- 6.** All records are identifiable, locatable, retrievable, and intelligible according to regulations set out by GDPR.
- 7.** It is the responsibility of the Data Controller to ensure sufficient resources are in place to prioritise adhering to Data Protection Legislation in the business.
- 9.** Any electronic devices where personal or sensitive, confidential information is held will be password protected.
- 10.** Procedures have been put in place to ensure the General Data Protection Regulations are met. These can be found in Section C.



## Section B

### Privacy Notice: Use of information

In accordance with this data retention schedule there may be occasions when data is not destroyed due to ongoing investigation, litigation or enquiry. The data will be deleted upon confirmation that it is no longer required.

- Personal information is collated and stored in hardcopy in a locked filing cabinet behind a locked door.
- All emails will contain a privacy statement.

Under the General Data Protection and Retention (2018) legislation, regarding how your personal data is processed, all individuals have;

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

Please note that Marion Mensing does not use automated decision-making tools, including profiling.

***If any information held is noted to be incorrect an individual can request a correction be made to their own personal information. If you wish for your data to be provided to another service provider, you may also request this in writing.***

#### Website visitors

When an individual visits [www.marionmensing.ie](http://www.marionmensing.ie), Google analytics—who are considered a third party service—are used to collect information about what visitors do when they click on Marion’s website, e.g. which page they visit the most. Google analytics only collect non-identifiable data which means, Marion or they cannot identify who is visiting. *Marion Mensing Counselling* will always be transparent when it comes to collecting personal data and will be clear about how that data is processed. Google analytics privacy notice can be found here:

<https://policies.google.com/privacy/update?hl=en>

Hosting Ireland is a third-party service that hosts *Marion Mensing Counselling’s* website. Hosting Ireland also uses anonymised data to collect visitor information such as how long an individual remains on a page of a website. In addition, cookies are used to improve the browser experience. Hosting Ireland’s privacy notice can be found here for further information:

<https://www.hostingireland.ie/privacy-policy.php>.



## Retention Schedule

Information Asset	Retention	Trigger for Disposal
Email (including sent items)	Annual review period every January, any remaining live data untouched until following review period.	End of retention period
Contact details held on mobile devices	All entries to be deleted prior to decommissioning of mobile device or reissue of device	End of retention period
Policies	Until new policy has been put into place	End of retention period
Client records including session notes, assessment notes and client intake form	In accordance with I.A.C.P recommendation and the current policy of the insurance provider, records are retained for a period of 7 years after the last date of service delivery ( <i>retention period</i> )	End of retention period
Continual Professional Development Records	To be retained when worker is in service and until 8 years afterwards.	End of retention period
Tax returns	6 years from the end of the financial period to which they pertain to.	End of retention period
Incident/Accident reports	40 years from date report was closed	End of retention period
Insurance policies	40 years from date policy ended.	End of retention period



Information Asset	Retention	Trigger for Disposal
Complaints	2 years from complaint being resolved	End of retention period
Right to Erasure Request	7 years from request being submitted and completed.	End of retention period
Subject Access Request	7 years alongside session notes, or plus 2 years from case closure if request is made after 6 years of storing data.	End of retention period

Hard copy data will be destroyed via a cross shredding machine owned by Marion Mensing, electronic data will be permanently deleted.

## Data Processing

### What is the lawful basis for processing data at Marion Mensing Counselling?

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

3. Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.

**This means that *Marion Mensing Counselling* does not require consent to hold client data to provide a service but does require consent to contact clients for specific purposes. Participating in the service by attending more than one appointment implies that the client agrees with the Terms and Conditions provided to the client at the commencement of service delivery.**

### Description of processing

The following is a broad description of the way this data controller processes personal information. Clients wishing to understand how their own personal information is processed may choose to read

# Information Governance Policies and Procedures

## *Marion Mensing Counselling*



the FAQ's / Terms and Conditions for treatment document, which compliments the policies detailed here.

### Reasons/purposes for processing information

*Marion Mensing Counselling* processes personal information to enable the provision of Counselling and Psychotherapy and to maintain accounts and records.

### Type/classes of information processed

*Marion Mensing Counselling* processes information relevant to the above reasons/purposes. This information may include:

- personal details
- family, lifestyle and social circumstances
- services
- financial details
- employment and education details

*Marion Mensing Counselling* also processes sensitive classes of information that may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- offences and alleged offences

*Marion Mensing Counselling* processes personal information about:

- clients
- suppliers
- business contacts
- professional advisers
- supervisors



## Section C

### Data Breach

All personal and sensitive data held by *Marion Mensing Counselling* is held securely. Client records—session notes and assessment notes—are held securely as handwritten hardcopy data in a locked cabinet behind a locked door. Computers and devices with access to personal client data are password protected.

In the case of a data breach Marion Mensing shall comply with the regulations set out under Article 33 of the GDPR stated below;

**1.** In the case of a personal data breach, the data controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the relevant Data Protection Commissioner (Ireland or UK), unless the personal data breach is unlikely to result in a risk to the rights and freedoms of the individual. Where the notification to the Data Protection Commissioner is not made within 72 hours, it shall be accompanied by reasons for the delay.

**2.** The notification referred to in paragraph 1 shall at least:

**(a)** describe the nature of the personal data breach including where possible, the approximate number of data subjects concerned and the categories (e.g. sessions notes, phone numbers) and approximate number of personal data records concerned;

**(b)** communicate the name and contact details of the data controller where more information can be obtained;

**(c)** describe the likely consequences of the personal data breach;

**(d)** describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

**3.** Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.

**4.** The controller shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the supervisory authority to verify compliance with this Article.

**5.** In the event that a data breach will likely cause a risk to the rights and freedoms of client data, the data controller must communicate the nature of the breach in clear, concise and plain language, to the client/s involved, without delay.

**6.** If a breach occurs but the data controller has gone to appropriate lengths to protect the data held on the client (e.g. password encryption of electronic files), or if the data controller has taken subsequent action to prevent the risk (e.g. immediately blocking a mobile device) then notifying the client will not be required.



## Subject Access Request

A Subject Access Request (SAR) permits individuals to request a copy of their personal information.

A SAR must be acted upon within one month, at the most within two months, any longer and reasonable reason must be provided. There are no fees unless there is a disproportionate fee to the organisation for sending out the information. Application for SAR should be held alongside session records, unless application was made after eight years of the end of treatment. In which case the SAR will be held for a further two years after closure of SAR.

A SAR request by an individual will include information *Marion Mensing Counselling* holds about the individual, Marion Mensing will:

- give a description of it;
- explain why she is holding it;
- explain who it could be disclosed to; and
- let the individual have a copy of the information in an intelligible form.

SAR requests should be put in writing to *Marion Mensing Counselling*. A response may be provided informally over the telephone with the individual's agreement, or formally by letter or email.

**If any information held is noted to be incorrect an individual can request a correction be made to their own personal information. If the individual wishes for the data to be provided to another service provider, the individual may also request this in writing.** *Marion Mensing Counselling* may have a legal basis to continue to hold your data and will notify the individual of this if that is the case. Any requests should be made in writing to *Marion Mensing Counselling*.

## Right to Erasure

Any person may put in a request for their personal data to be removed (the 'right to be forgotten' or the 'right to erasure'). In this instance hard copy data will be shredded using a cross shredding machine owned by Marion Mensing and any electronic data will be permanently deleted. The person will be notified of the completion. The request for deletion of data and the confirmation of completion will be held securely until seven years after the request was made. In some instances, Marion Mensing's supervisory body or insurance company may require her to lawfully hold files until the end of their retention period. If this arises, Marion Mensing will notify the person at her earliest opportunity.

## Complaints

Marion Mensing hopes to meet the highest quality standards when processing personal and sensitive data. Complaints can help identify areas for improvement and therefore Marion Mensing would welcome clients raising any concerns they have.

These Information Governance Policy documents were created to be as transparent and understandable as possible. It will not be completely exhaustive of all aspects of data collection. Marion Mensing Counselling can be contacted for further information about a specific process.

**If you feel you would like to make a complaint about how your personal and sensitive data is handled by *Marion Mensing Counselling*, you can contact Marion Mensing directly. In the event that Marion Mensing cannot resolve your complaint to your satisfaction you can contact the Data Protection Commissioner in Ireland on <https://forms.dataprotection.ie/contact> or the Information Commissioners Office in UK on 0303 123 1113.**

## Information Governance Policies and Procedures *Marion Mensing Counselling*



### **Safeguarding your privacy**

In the event of my death, Marion Mensing's Clinical Will Executor will contact existing clients and archive any client files in accordance with General Data Protection Regulations.

This means shredding any hardcopy documents and having any electronic data professionally deleted.