

Last updated	30 January 2020
--------------	-----------------

### Definitions

<b>Therapeutic Teaching</b>	Therapeutic Teaching is the trading name for sole trader Catherine Stephenson- Independent Specialist Teacher
<b>GDPR</b>	means the General Data Protection Regulation.
<b>Responsible Person</b>	means Catherine Stephenson is the person responsible for data protection.
<b>Register of Systems</b>	means a register of all systems or contexts in which personal data is processed by Therapeutic Teaching.

### 1. Data protection principles

Therapeutic Teaching is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the

rights and freedoms of individuals; and

- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

## 2. General provisions

- a. This policy applies to all personal data processed by Therapeutic Teaching.
- b. The Responsible Person shall take responsibility for Therapeutic Teaching’s ongoing compliance with this policy.
- c. This policy shall be reviewed at least annually and updates also apply to the Privacy notice.
- d. Therapeutic Teaching maintains current registration with the Information Commissioner’s Office as an organisation that processes personal data.
- e. This policy should be read in conjunction with the Privacy Notice and Website Terms and Conditions, both of which are accessible through the website.

## 3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, Therapeutic Teaching shall maintain a Register of Systems. The Register of Systems shall be reviewed at least annually.
- b. When personal data is collected directly from data subjects, a privacy notice is provided at the time of collection.
- c. When personal data comes from another source, the Responsible Person will provide a privacy notice without undue delay, and within a month. This must be done the first time Therapeutic Teaching communicates with the data subject, or when their personal data is first shared with another recipient, such as a data processor.
- d. Individuals have the right to access their personal data and any such requests made to Therapeutic Teaching shall be dealt with in a timely manner.

## 4. Lawful purposes

All data processed by Therapeutic Teaching must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).

Article 9, para 2(c) “*processing is necessary to protect the **vital interests** of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent*” and all children are legally incapable of giving consent on mental health matters until they are 16.

Article 9 para 2(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;***”

Para 3 says “*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”*

- a. Therapeutic Teaching shall note the appropriate lawful basis in the Register of Systems.
- b. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- c. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in Therapeutic Teaching’s systems.

## **5. Data minimisation**

- a. Therapeutic Teaching shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

## **6. Accuracy**

- a. Therapeutic Teaching shall take reasonable steps to ensure that the personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

## **7. Archiving / removal**

- a. To ensure that personal data is kept for no longer than necessary, Therapeutic Teaching reviews the personal data stored in the **Information Register** every three months and deletes as cases are closed by agreement.
- b. We always consider what data should/must be retained, for how long, and why.

## **8. Security**

- a. Therapeutic Teaching shall ensure that personal data is stored securely using modern software that is kept-up-to-date, firewalls and anti-virus software. BT Protect is used.
- b. Passwords are strong and not written down and used to access the laptop on start up. Passwords unique to the case are used for electronic documents in addition to this. Cloud storage also has a separate password.
- c. Access to personal data shall be limited to Catherine Stephenson and appropriate security will be in place to avoid unauthorised sharing of information.
- d. When personal data is deleted this is done safely so that the data is irrecoverable.
- e. Appropriate back-up and disaster recovery solutions are in place using secure cloud space.
- f. Any documents with a signature, even if there is no other personal data, when work is completed it will be destroyed and/or ensure that the signature is unreadable.
- g. If contact details are agreed to being held for 3 months or more after the work is completed then the client will be informed at the point of case closure and agreement sought for holding for an agreed period after the work has ceased, in case of new work or further work with the same client is agreed.

- h. Data which may be identifiable – date of birth and year group of data subject will be stored on Motional (with additional opt-in consent). See **Motional Information and Consent**.
- i. Documents will be protected by a unique (to the data subject) password and will also be stored on a secure cloud rather than the local machine.
- j. Information stored electronically will be password protected at the point of the document or shared through **Egress Switch** software. No personal information will be kept or used on an individual system except for the minimum time required to complete a document. Documents holding personal information are shared with clients using secure digital transfer using Egress Switch software or if directed by the client using password protection. Passwords will be shared by telephone/ in person. Test email and **Delivery and Read receipts** will also be used.  
We send communication emails to a recipient without revealing their address to other recipients by using blind carbon copy (bcc), not carbon copy (cc).  
We are extra careful when using a group email address. We check who is in the group before sending. We always check that the recipient’s arrangements are secure enough before sending our message.
- k. We shred all our confidential paper waste
- l. We check the physical security of our premises, all documentation is stored electronically except that which has been produced on the day – if unable to scan and shred at the time it is stored in a locked cabinet for a minimal interim period.

## 9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, Therapeutic Teaching shall promptly assess the risk to people’s rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)).

## 10. Consent

### Asking for consent

- We have checked that consent is the most appropriate lawful basis for processing.
- We have made the request for consent prominent and separate from our terms and conditions.
- We ask people to positively opt in.
- We don’t use pre-ticked boxes or any other type of default consent.
- We use clear, plain language that is easy to understand.
- We specify why we want the data and what we’re going to do with it.
- We give separate distinct (‘granular’) options to consent separately to different purposes and types of processing.

- We name our organisation and any third party controllers who will be relying on the consent.
- We tell individuals they can withdraw their consent.
- We ensure that individuals can refuse to consent without detriment.
- We avoid making consent a precondition of a service.
- If we offer online services such as Bramble directly to children, we only seek consent if we have age-verification measures (and parental-consent measures for younger children) in place.

### Recording consent

- We keep a record of when and how we got consent from the individual.
- We keep a record of exactly what they were told at the time in a contact record or email.

### Managing consent

- We regularly review consents to check that the relationship, the processing and the purposes have not changed.
- We have processes in place to refresh consent at appropriate intervals, including any parental consents.
- We consider using privacy dashboards or other preference-management tools as a matter of good practice.
- We make it easy for individuals to withdraw their consent at any time, and publicise how to do so.
- We act on withdrawals of consent as soon as we can.
- We don't penalise individuals who wish to withdraw consent.

Consent requests are made prominent, concise, easy to understand and separate from any other information such as general terms and conditions.

Article 7(2) says:

“If the data subject's consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner which is **clearly distinguishable** from the other matters, in an intelligible and easily accessible form, using clear and plain language. Any part of such a declaration which constitutes an infringement of this Regulation shall not be binding.”

We:

- keep the consent request separate from the general terms and conditions, and clearly direct people's attention to it;

- use clear, straightforward language;
- have a simple style that our intended audience will find easy to understand;
- avoid technical or legal jargon and confusing terminology (eg double negatives);
- use consistent language and methods across multiple consent options; and
- keep our consent requests concise and specific, and avoid vague or blanket wording.

We make sure we give individuals sufficient privacy information to comply with their right to be informed.

We always ask with an unambiguous indication by clear affirmative action. This will be a x in a box on a document or a Yes/No so we are asking people to actively opt in.

With testimonials we will request consent by an affirmative reply to an email or a text message.

We do not use silence, inactivity, pre-ticked boxes, opt-out boxes, default settings as a means of consent.

How should we record consent?

Article 7(1) says:

“Where processing is based on consent, the controller shall be able to demonstrate that the data subject has consented to processing of his or her personal data.”

So we ensure that we have an effective audit trail of how and when consent was given, so we can provide evidence if required. This is recorded on an **Information Register**. Each piece of documentation with data is recorded for each client. We keep this evidence for as long as we are still processing based on the consent, so that we can demonstrate our compliance in line with accountability obligations.

Good records also help us to monitor and refresh consent as appropriate. We must keep good records that demonstrate the following:

- **Who consented:** the name of the individual on behalf of the child.
- **When they consented:** a date of the signature on a copy of a dated document, or an email with the date received or text saved as an email. Verbal consent will be noted with the time and date which was made at the time of the conversation and a copy shared between parties.
- **What they were told at the time:** a copy of the Privacy Notice and the Consent form. If consent was given verbally a written record will include a copy of the script used at that time.
- **How they consented:** Consent form as a written document and Agreement of Involvement.
- **Whether they have withdrawn consent:** and if so, when.

Policy written February 2019

Reviewed January 2020 Next review January 2021