

## **CAMBRIDGE PSYCHOTHERAPY ASSISTANCE TRUST**

Registration No: 800946

### **DATA PROTECTION POLICY**

This policy applies to all trustees, consultants and volunteers of the Cambridge Psychotherapy Assistance Trust (CPAT).

#### **Introduction**

The purpose of this policy is to enable CPAT to:

- Comply with the law in respect of the data it holds about individuals
- Follow good practice
- Protect CPAT's clients, trustees, volunteers and other individuals
- Protect the organisation from the consequences of a breach of its responsibilities

#### **Brief Introduction to Data Protection Act 1998 and General Data Protection Regulations 2018**

The above legislation gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The legislation works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the rights of Data Subjects
- Secure
- Not transferred to other countries with adequate protection

Secondly, it provides individuals with important rights, including the right to find out what personal information is held on computer, and most paper records.

#### **Policy Statement**

CPAT will:

- Comply with both the law and good practice
- Respect individuals' rights
- Be honest and open with individuals whose data is held
- Provide training and support for trustees, consultants and volunteers who handle personal data, so that they can act in accordance with the legislation.

CPAT recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. Information about trustees, volunteers, clients and other individuals will be used fairly, securely and not disclosed to any person unlawfully.

Secondly, the legislation aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, CPAT will seek to give individuals as much choice as is reasonable over what data is held and how it is used.

CPAT is the Data Controller. All processing of personal data will be undertaken in accordance with the data protection principles.

## **Definitions**

The Data Subject is the individual whose personal data is being processed. Examples include:

- Trustees – current and past
- Volunteers
- Donors
- Clients
- Therapists
  
- Patrons

Processing means the use made of personal data including:

- Obtaining and retrieving
- Holding and storing
- Making available within or outside the organisation
- Printing, sorting, matching, comparing, destroying

The Data Controller is the legal person, or organisation, that decides why and how personal data is to be processed. The data controller is responsible for complying with the Data Protection Act.

## **Responsibilities**

CPAT's Board of Trustees recognises its overall responsibility for ensuring that CPAT complies with its legal obligations.

The Trustee in charge of data protection has the following responsibilities:

- Briefing the Board on Data Protection responsibilities
- Reviewing Data Protection and related policies
- Advising other Trustees on Data Protection issues
- Ensuring that Data Protection training takes place
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Electronic security
- Approving data protection related statements on publicity materials and letters

Each trustee at CPAT who handles personal data will comply with the Trust's operational procedures for handling personal data to ensure that good Data Protection practice is established and followed.

All trustees are required to read, understand and adhere to any policies and procedures that relate to the personal data they may handle in the course of their work.

CPAT has privacy statements for clients and donors, setting out how their information will be used. These are available on request, and also appear on the CPAT website.

In order to provide a service, CPAT may need to share clients' personal data with third parties, e.g. therapists. Verbal or written agreement will be sought from the client before data is shared. Where anyone within CPAT feels that it would be appropriate to disclose information in a way contrary to the Data Protection policy, or where an official disclosure request has been received, this will only be done after discussion with the Board of Trustees. Any such disclosures will be documented.

### **Security**

Any recorded information on clients, other individuals or donors will be:

- Kept in locked cabinets
- Protected by the use of passwords if stored on computer
- Destroyed confidentially if no longer required

Trustees should be careful about information that is displayed on their computer screens and make efforts to ensure that no unauthorised person can view the data when it is on display. Notes regarding personal data of clients will be shredded or destroyed.

### **Data Recording, Storage and Retention**

CPAT will regularly review its procedures for ensuring that its records remain accurate and consistent, and in particular:

- Personal Data will be held in as few places as possible, and all trustees will be discouraged from holding any unnecessary additional data.
- All relevant systems are updated when information about any individual changes
- Trustees who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping
- Data will be corrected if shown to be inaccurate.
- Archived paper records are stored securely
- Both paper and electronic records will be destroyed after 5 years.

### **Access to Data**

All clients, donors or other individuals have the right to request access to information stored about them. Any subject access requests will be dealt with within the required time limit of one month.

Subject access requests should normally be in writing, either on paper or by email. All trustees are required to pass on subject access requests to the trustee responsible for Data Protection without delay.

Where the individual making a subject access request is not personally known to the trustee responsible for Data Protection, their identity will be verified before any information is handed over. The required information will be provided in permanent form unless the applicant makes a specific request to be given supervised access in person.

CPAT will provide details of information to applicants who request it, unless the information might cause harm to another person.

Trustees have the right to access any information held about them. If the information held is inaccurate, the individual must notify the Chair of Trustees so that this can be documented and corrected.

## **Transparency**

CPAT is committed to ensuring that Data Subjects are aware their data is being processed and:

For what purpose it is being processed

If any type of disclosure is likely

How to exercise their rights in relation to their data

How long their data will be retained for

Data Subjects will generally be informed as follows:

Clients: when they request services (online, on paper or by phone)

Donors: when CPAT approaches them, or they approach CPAT (online, on paper or by phone)

Privacy Statements will be displayed to clients and donors on the website, and on paper.

The amount of data collected will be kept to a minimum.

## **Consent**

Consent must be given in writing, or online, by use of tick-boxes to show that consent has been given. If for any reason only verbal consent can be given, this must be documented.

Information about clients will only be made public with their consent.

Sensitive personal data (including medical information) will be held only with the knowledge and consent of the individual.

Consent will not normally be sought for most processing of information about trustees, although trustee details will only be disclosed for purposes unrelated to their work for CPAT (e.g. financial references) with their consent.

All Data Subjects will be given the opportunity to opt out of their data being used in particular ways: e.g. the right to opt out of direct marketing (see below).

CPAT acknowledges that, once given, consent can be withdrawn, but not retrospectively. There may be occasions when CPAT has no choice but to retain data for a certain length of time, even though consent for using it has been withdrawn.

## **Direct Marketing**

CPAT will treat the following unsolicited direct communication with individuals as marketing:

Seeking donations and other financial support  
Promoting any CPAT services  
Promoting CPAT events or fundraising exercises  
Promoting membership/registration to potential supporters/patrons

Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opt-out. If a range of options is not given, any opt-out which is exercised will apply to all CPAT marketing.

CPAT does not have a policy of sharing lists, obtaining external lists or carrying out joint or reciprocal mailings.

CPAT will only carry out telephone marketing where consent has been given in advance, or the number being called has been checked against the Telephone Preference Service.

### **Trustee training and acceptance of responsibilities**

All trustees who have access to any kind of personal data will be given copies of all relevant policies and procedures, including the Data Protection policy, when they join the Board of Trustees. All trustees will be expected to adhere to all these policies and procedures.

CPAT will provide opportunities for trustees to explore Data Protection issues at meetings.

### **Policy Review**

The Data Protection policy will be reviewed by the Trustees at regular intervals. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice, or in response to an identified failing in its effectiveness.

This policy was approved by the Board of Trustees:

**Date:** 11/04/2018