



Data Protection Policy

M Dagge Therapy respects the privacy of its personnel, clients and outside organisations. We support and comply fully with the Data Protection Act 1988 (amended by the Data Protection Amendment Act 2003) and GDPR 2017. Any personal details collected through our web site and provided by you will be processed in accordance with the Act. This data will only be used for the purpose we have your consent for to ensure confidentiality and the right of access to information for all service users. This includes high standards of written and/or computerised documentation and record keeping pertaining to all client records.

General Data Protection Regulation (GDPR)

What is GDPR?

A new data protection EU law called the General Data Protection Regulation (GDPR) came into force on 25th May 2018. This gives EU residents more control over their personal data. People can now request **how much** data an organisation holds on them, **ask to see** this data and ask for it **to be updated or deleted**.

As an organisation that process's data we must be able to **demonstrate** compliance with GDPR.

What does GDPR mean for organisations who process data

The legislation will introduce major changes in how organisations acquire and handle both ordinary personal data and sensitive personal data.

- Ordinary Personal data includes: a persons name, address, email, phone number, photographs, bank details.
- Sensitive Data includes: racial/ethnic origin, political opinions, physical or mental health, religious/philosophical beliefs, trade union association, sexual orientation, sex life, criminal convictions, genetic data and biometric data.



M Dagge Therapy collects ordinary Personal Data on our therapists, residents and student therapists on work placement. Sensitive data on personnel may also be returned to the designated child protection officer under Garda vetting procedure, i.e a criminal conviction, as part of our Child Safeguarding Policy. All personnel are Garda vetted. The *legal bases* for this is 'Contractual Necessity' and personnel will be asked to *consent* to providing us with this data as part of their contract with the company prior to taking up their role.

Personal and sensitive data is collected on our clients. The *legal bases* for this is 'Contractual Necessity' and clients will be asked to *consent* to providing us with this data as part of their consent to treat contract.

What data we collect and Why?

- **Personnel:** Name, address, email, telephone, PPS no, DOB, bank account details, Emergency contact details, doctor contact details.
Why? Personnel records and Revenue records.
- **Clients:** Name, address, email, telephone, DOB, Emergency contact details, doctor contact details, family histories, racial/ethnic origin, physical and mental health, medications, religious/philosophical beliefs, sexual orientation, sex life, criminal convictions.
Why? Client records and Child Safeguarding records.

Eight Data Protection Principles:

M Dagge Therapy shall perform its responsibilities under the Data Protection Acts in accordance with eight data protection principles. They are:

1. Obtain and process information fairly. Taking and keeping records, computerised or written, is an essential and integral part of the care of the client.
2. Keep it only for specified, explicit and lawful purposes. Clients must be informed of the purpose of the collection of information by workers.



3. Use and disclose data only in ways compatible with these purposes. Any document which records any aspects of the clients care can be required as evidence before a court of law. All records may be requested for inspection if any of the exclusions to confidentiality are activated.
4. Keep data safe and secure. All information pertaining to clients is to be kept secure and confidential at all times.
5. Keep data accurate, complete and up-to-date. Records should provide objective, accurate, current, comprehensive and concise information concerning the condition of the client.
6. Ensure that data is adequate, relevant and not excessive.
7. Retain data for no longer than necessary for the purpose(s) for which it is acquired.
8. Give a copy of his/ her personal data to the relevant individual, on request.

Written Record

- All data/information/communications with or about the client received by phone/fax/ post /email should be recorded in their notes.
- All records should be kept in a locked filing cabinet, with the key being held only by relevant members of the project team.
- All records should be written legibly and indelibly. Records should be clear, unambiguous and accurate including the date (Day/Month/Year), and the printed name and signature of the person completing the record.
- Changes or errors are corrected by scoring out with a single line followed by your initial and dated for correct entry. The use of correction fluid is not permitted.
- Records should not include abbreviations, jargon, irrelevant speculation and offensive statements, subjective statements. If for any reason a more subjective statement needs to be made, the recorder should acknowledge this as a subjective opinion. All records should be written in a way that the client is able to understand.



- Records must be objective and factual and describe what is observed. If an incident has not been observed, but is relevant to service user care, then it must be clearly stated i.e. service user reports.
- Records should include only essential and relevant details.
- A clear record of all therapy sessions, and communications concerning the client must be maintained for:
 - continuity of treatment
 - clarity of thinking
 - analysis of process and content
 - presentation for supervision
 - communication with colleagues
 - clarity in the case of litigation

Computerised Records

- The principles for written records also apply to electronic records. Personnel are accountable for entries made and all electronic records must be uniquely identifiable.
- Personnel must ensure that computerised records are not left unattended, and that all computerised systems are logged off appropriately.
- All computerised client recording systems are password protected and storage keys are encrypted.

Client Access to Records

- All requests for access to service user information will be dealt with in relation to the FOI 1997 & 2003 and Data Protection Acts 1988 & 2003.



- Clients have the right to know why information is being collected about them, and who it will be shared with. Consent to share information with a multidisciplinary team and a GP must be obtained. Clients must be made aware that members of a multidisciplinary team may access some or all of their case file including ending reports.
- They also have a right to access their records. We recognise our legal obligations to supply a description of the requested information to the service user within 21 days of receiving a written request, and a copy of the documentation within a month of receiving a written request.

Record Retention

- Precautions should be taken to protect written copies from damages due to fire, and water.
- Precautions should be made for all electronic data to protect it against electronic viruses or technical failure.
- Records are kept for a minimum of 8 years after the client terminates therapy. Some types of documentation may need to be kept for longer under legal specification. Guidelines for the retention of records can depend on current legislation and health services policy statements. Current Irish law gives the following retention times:

Healthcare records of an adult – eight years after last treatment or death.

Healthcare records of a child/young person – eight years after they turn 18 years of age.

Records of a mentally disordered patient – 20 years after last treatment or eight years after death.

Care will be taken to ensure that records are disposed of correctly. Where possible, old records will be shredded.



The Data Journey & safeguarding of information:

How do we store our data and information?

In GDPR terminology M Dagge Therapy is a *Data Controller* – it is *OUR* responsibility for storing and handling our personnel and client data safely both on computers and in hard copy files. Data includes all records : clinical notes, referral forms, assessment forms, emails, artwork, photographs, sound and video recordings etc. Our Data Officer is Maggie Dagge.

Our online therapy platform – **Zoom** – is a *Data Processor*. We ensure that Zoom complies with current GDPR guidelines and that our data is *never* sold to third parties.

Protocol should a data breach occur

Following the discovery of a data breach involving personal data the Data Protection Commissioner and the data Subject will be informed 72 hours after the discovery. The nature of the breach, the action that has been taken, and the potential impact will be relayed to both.

Access to your Personal Data

If you would like to review the data we hold on you on our database please contact us and we'll arrange for this information to be disclosed. For security reason we will ask you to provide proof of identification. You also have the right to rectify or delete inaccuracies in your personal data, and to object to the processing of your personal data. Email your request to maggie@mdaggeththerapy.ie

The Data Journey for personnel of M Dagge Therapy

- Personal Data on personnel will be collected by senior staff before employment commences. The *legal bases* for this is 'Contractual Necessity' and personnel will be asked to *consent* to providing us with this data as part of their contract with the company. This data must be kept for 8 years from the end date of the contract for audit purposes.



- All personnel records will be safeguarded by : hard copies kept in a locked filing cabinet at our office in Shillelagh Co Wicklow. Online records kept on our computers which are password protected.
- After 8 years personal data on personnel no longer with the company will be deleted, both online and in hard copy format from all of the above mentioned locations (digital and physically).

The Data Journey for clients of M Dagge Therapy

- Personal and sensitive data on clients will be collected by their therapist during their first session. The *legal bases* for this is 'Contractual Necessity' and clients will be asked to *consent* to providing us with this data as part of their contract with the service. This data must be kept for 8 years from the end date of the contract for audit purposes.
- All personnel records will be safeguarded by : hard copies kept in a locked filing cabinet at our office in Shillelagh Co Wicklow. Online records kept on our computers which are password protected.
- After a minimum of 8 years personal/sensitive data on clients who have terminated therapy will be deleted, both online and in hard copy format from all of the above mentioned locations (digital and physically). Some types of documentation may need to be kept for longer under legal specification. Guidelines for the retention of records can depend on current legislation and health services policy statements. Current Irish law gives the following retention times:

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