



## Privacy Information

### Introduction

Many of the main concepts and principles General Data Protection Regulations (GDPR) are similar to those in the current Data Protection Act (DPA). However, there are new elements and significant enhancements: we have *amended* and *added* to the paperwork we use to deliver our services.

Some changes will be immediately evident as existing customers review their contracts for example, however there are a number of new rights and processes which we have chosen to explain here.

### Who is responsible for Data Protection?

Soundswell Data Protection lead officers are Diana & Jo as Directors of Soundswell Limited. It is our responsibility to ensure that *any* information we collect, process and store is subject to rigorous security both manual and electronic (storage, sharing, retention and disposal). It is also our responsibility to ensure that the lawful reasons for processing are clearly identified at the outset and that individuals are fully aware of their rights under the new legislation.

### What have we done so far?

As Directors (and data controllers) we have sought advice from a variety of sources - from IT consultants with expertise in this area and from within our profession. The Information Commissioner's Office (ICO) is a valuable source of explanation and practical advice.

We have undertaken a comprehensive data mapping exercise which identifies what information is gathered, where it is stored, who has access to it and how it is disposed of. This process has then driven our GDPR action plan and resulted in the changes and additions to our existing processes.

We have communicated with our customers and clients both face-to-face and in writing in order to explain our changes and to reassure them of our on-going commitment to data protection and our route towards becoming GDPR compliant.

New customer contracts reflect the data sharing element much more explicitly.

Therapists who work with us have received training and their contracts with us reflect their roles and responsibilities as data processors.

Parents (and those with parental responsibility) whose children have been referred to us have always been required to sign to give their informed consent. The form we use has

been renamed (consent form and privacy notice) to better reflect GDPR requirements. The form is now slightly longer as it contains the introductory information listed above as part of the data mapping process. Parents and school staff are then directed to this page on our website where more detail is available.

Our Confidentiality & Data Protection Policy has been revised and renamed Data Protection & privacy Policy – again to better reflect the requirements of GDPR.

### **What information do we provide?**

We provide individuals with the following privacy information:

✓ **The name and contact details of our organisation**

Soundswell speech and language therapy solutions limited

Registered business address: C/O Muras Baker Jones Regent House Bath Avenue  
Wolverhampton WV1

Directors: Jo Williams and Diana McQueen, email: [info@soundswellspeech.com](mailto:info@soundswellspeech.com)

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✓ **The name and contact details of our therapist/s**

Available from the school/setting/the directors

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✓ **The contact details of our data protection officer**

The Directors are the data protection lead officers

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✓ **The purposes of the processing**

*Customers:* to fulfil our contract with you

*Children:* the provision of speech and language therapy

.....

✓ **The lawful basis for the processing**

*Customers:* contractual purposes

*Children:* children’s data constitutes a ‘special category’ which requires that we identify two types of lawful basis:

**Legal obligation:** this is our first lawful basis (Virtual Administration Webinar for

[www.soundswellspeech.com](http://www.soundswellspeech.com)

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independent health professionals 2/05/18) [www.virtual-administration.com](http://www.virtual-administration.com)

We are required to be able to identify the obligation in question, either by reference to the 'specific legal provision or else by pointing to an appropriate source of advice or guidance that sets it out clearly. For example .... reference to 'a government website or to *industry guidance* that explains generally applicable legal obligations'. [Source: ICO]

Although there is no law which says therapists must keep records of intervention, we are all *required*, by law, to be registered with the Healthcare Professions Council (HCPC) and are therefore bound by the rules and standards of that body ('*You must keep full, clear, and accurate records for everyone you care for, treat, or provide other services to*) The full set of standards of conduct, performance and ethics can be found on the [HCPC website](http://www.hcpc-uk.org).

**Consent:** this is our second lawful basis.

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✓ **The kind of personal data obtained**

*Customers:* name of setting, address, telephone numbers and e-mail addresses of key individuals

*Children :* detailed health record which will include name, date-of-birth, address, parental contact, school/setting, reason for referral/presenting problem, medical, developmental, family history, record of assessment & intervention, safeguarding issues, other services involved, educational progress.

*Potential customers:* this category are transient individuals who attend conferences, presentations or exhibitions or book a place on one of our courses. They agree to share their names and e-mail addresses so that they can receive information updates from Soundswell

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✓ **The recipients of the data and data sharing**

*Customers & potential customers:* data is not shared with anyone else.

*Children:* data is contained within the child health record,(sometimes known as the case notes or treatment records). With the parent/ carer's written permission Soundswell therapists agree to share relevant clinical Information: such information may be verbal or written. This constitutes a data sharing agreement and is written into the contract the Company has with its customers, Associates, Consultants & Sub-processors. Not all data is shared. Decisions about sharing are based upon the need to provide appropriate speech and language therapy intervention to which end reports are provided to parents and to others involved with the care and management of the child. The exception to this is information which pertains to safeguarding issues.

Any information shared electronically is encrypted.

✓ **The storage, retention periods and disposal of data**

*Customers, potential customers & children:*

**A Storage:**

1) *Electronic*

Electronic data is stored according to its type:

- Password protected cloud storage system for all Soundswell-produced files and data (which includes a back-up facility)
- Secure online management websites e.g. for banking and accounting procedures

ii) *Paper*

Proxy customer (child & family data) details are stored in either

- a) An individual cardboard file in a locked filing cabinet within the setting where the service is delivered
- b) An individual cardboard file in a locked filing cabinet at the place of residence of the Associate/Consultant/Director

**B Retention**

*Customers and potential customers:* we retain information relating to our customers for as long as is necessary to carry out the contract, and for up to a maximum of 2 years after the end of the contract

*Children:* records are held for the duration of the service, and are then scanned and archived electronically until the child reaches the age of 26. Paper record is shredded by a professional company.

**C Disposal:**

*Customers and potential customers:* we review the data we hold in relation on an annual basis and delete anything that is no longer required in order for us to deliver the contract and uphold our professional standards. Data is held within a secure cloud storage system, once deleted it is possible for it to be restored for 120 days. In exceptional circumstances the administrator of the system (directors and service provider) are able to restore deleted files after a longer period. In addition it is possible to permanently delete them, i.e no restoration is possible.

*Children:* paper records are archived electronically after discharge. The electronic version of the record is held within the secure cloud based storage system, and is only accessible by the directors and the archivist, who is a data processor for Soundswell. Paper records are shredded when they have been archived electronically. Soundswell uses a reputable shredding company to undertake this work, and there is a full audit trail for the shredding that is removed. In accordance with the Records Management Code of Practice for Health and Social Care 2016 records are held until the child or young person is 26 years old.

Soundswell has a system in place for the systematic deletion of records.

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✓ **Assurance that we have procedures for managing a data breach**

A data breach occurs when the security of confidential and restricted information is compromised and is accessed/viewed by persons other than those officially recognised to manage the information

The therapist who discovers the breach takes immediate steps to notify the Directors, gather evidence and mitigate the breach.

Persons with responsibility (i.e. Directors) will investigate the data breach

- Notify ICO if indicated (*'... notify the ICO of a breach where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage'* Source: *Preparing for GDPR: ICP*)
  - As appropriate – consider other organisations which may need to be notified:
    - Ofsted
    - HCPC
    - Police
    - Senior Leadership team in school/s
  - Take immediate steps to remove or secure the vulnerable data
  - Inform parents as appropriate
  - Review the incident and share the learning from it
  - Review Company risk register as appropriate
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✓ **The rights available to individuals in respect of the processing**

Rights apply to therapists who work with us, to our customer schools and settings, potential customers and to the children and parents with whom we work.

**1. The right to be informed**

Under the GDPR, individuals will have the right to know that their data is being processed (what data, why, how it is stored, with whom it is shared, how long it is kept for and how it is eventually deleted). This right is introduced via the consent form and privacy notice and expanded upon in our Data Protection & Privacy Policy, from which the following information is extracted:

**2. The right of access**

Those with parental responsibility may ask to view the information held (the right of access). The Company sets out the process for this as follows:

A request is made in writing (e-mail is acceptable) to the Directors. This communication should include full name and address of the person making the request for disclosure.

His/her relationship to the individual whose records have been requested. The full name, address and date of birth of the individual to whom the records pertain.

Within a maximum of 1 month (31 days) of the initial contact, a date will be offered whereby the individual is invited to meet with a Director to peruse and discuss the health record in question.

The directors reserve the right to make a charge for the accessing of personal information referred to above.

### **3. The right to rectification**

Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. However, this *doesn't* extend to medical opinions, where the data recorded accurately represents a professional opinion (diagnosis) at a given point in time.

### **4. Deletion/Erasure**

Individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances.

Where the data processed forms part of a health record, there is no absolute 'right to be forgotten'.

Individuals may ask for their personal data to be erased - but *only* when there is no compelling reason for its continued processing. Care providers, for example, will likely have a very good reason for processing much of the personal data they hold for the purposes of providing medical care.

### **5. The right to restrict processing**

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This means that an individual can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of their data.

Individuals have the right to restrict the processing of their personal data where they have a particular reason for wanting the restriction. This may be because they have issues with the content of the information held or how the data has been processed. In most cases the restriction is not indefinite, but will need to be in place for a certain period of time.

**6. The right to withdraw consent** (see item 1 'the right to be informed' above)  
*I have read and understood the above and consent to Soundswell Speech & Language Therapists working with my child and processing my information as stated. I understand that I can withdraw my consent at any point.* [Source: Soundswell consent form and privacy notice]

### **7. The right to lodge a complaint**

[www.soundswellspeech.com](http://www.soundswellspeech.com)

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In the event that you as a school or a family are dissatisfied with any aspect of the treatment they receive from associate therapists working with Soundswell, you are encouraged to speak directly to the named therapist for your school/child. If your cause for complaint is *related to* the therapist, or you wish to approach the Directors from the outset, please contact either Jo (07837 048525 [jo@soundswellspeech.com](mailto:jo@soundswellspeech.com)) or Diana (07967 178491 [diana@soundswellspeech.com](mailto:diana@soundswellspeech.com))

**If you have a request or concern:**

- ✓ Please write to us (e-mail is acceptable)
- ✓ include your full name, address, telephone number and e-mail address
- ✓ tell us your relationship to the child in question
- ✓ the child's full name, date of birth and address
- ✓ identify the child's school or setting
- ✓ explain your request or concern

**Our timescales for responding**

- Within a maximum of 1 week we will contact you by phone or e-mail to discuss your request/concern. In the event that you have a complaint, every effort will be made to resolve things at an early stage
- If this is not possible, within a maximum of 1 month (31 days) of the initial contact, you will be offered a date to meet with a Director. The same timescale applies if your request pertains to records access