

Guidance note to CKA Members on GDPR - June 2018

As promised, we are writing to you with further guidance on what practitioners need to be doing to ensure that they are moving towards meeting the GDPR requirements. We are working on the CKA Privacy Policy and will let you have that as soon as we can. In the meantime, we're attaching the CKA Privacy Notice - which is a brief summary of the policy. We're also including some aspects of the full Draft Policy in this note as they relate to practitioners and their clients.

We imagine that some of you will have had a chance to see the BCMA webinar that we let you know about a couple of weeks ago. If you have, we hope that you will have been reassured that as this is a process, we are already well under way as an Association - and you are probably underway as a practitioner too!

The webinar went through questions from members about the 8 practical steps that are outlined on the ICO website. These steps are also set out here with a brief summary of the responses discussed through the webinar:

Eight practical steps for micro business owners and sole traders

1. Know the law is changing

- informing clients about what data you are keeping and why and that you keep it securely - ie locked cabinet
- The barrister (Christopher Head) used the term 'Get Deeper Personal Relationships' as another way of saying GDPR - underlining the importance of being respectful about the records held and why

2. Make sure you have a record of the personal data you hold and why

- checking with your insurer is a good idea - usually it needs to be for 7 years after work finishes
- the 'lawful basis' on which we hold data will be the 'contract' they have entered into with you as their practitioner
- offering your privacy policy is good practice
- good idea to keep a record of when permission was given by client - this can be by signature, which might also be required by your insurer
- *CKA guidance would be to obtain a signature from now on for new clients as part of informing clients about what data you will hold and why*
- *we're still exploring whether to suggest that all practitioners ask clients to complete a questionnaire - it is required by some insurance companies and is not something that we have required of our members in the past*

3. Identify why you have personal data and how you use it

- other than when clients come for sessions, people might give their details at talks etc, or sign up to your mailing list
- so the key here is to make sure you're explicit about how any sign up info will be used and also make sure you enable people to 'unsubscribe' if they want to

4. Have a plan in case people ask about their rights regarding the personal information you hold about them

- there wasn't a clear steer here about client notes and their right to see them - as the point was made that these notes might be objective - in terms of facts of session - or subjective - in terms of practitioner thoughts.
- *CKA view - If you are not sure, it might be best to err on the side of caution in the future and keep notes as objective as possible*

5. Ask your self: before I collect data, do I clearly tell people why I need it and how I will use it?

- again, the key here is about clarity and awareness raising for our clients, plus giving of Privacy Policy setting out how data used etc.
- collecting email addresses and phone numbers for purpose of sending clients reminders: ensure this is clear when that info is collected
- also make it clear that you carry client numbers on your phone (if you do), so they know this

6. Check your security. This can include locking filing cabinets and password-protecting any devices or cloud storage that hold client's personal data

- again, make sure you have sufficient safeguards in place and let your clients know what they are

7. Develop a process to make sure you know what to do if you breach the data protection rules

- for electronic data - this shouldn't be a problem if it is encrypted - but this might not be possible for us all
- put self in the shoes of the client - what would be fair for them to expect?
- *CKA guidance: we would say to contact the client, contact us to have some support, and possibly the ICO if that is deemed necessary*

8. Don't panic: we're here to help (ICO).

- an important point as there is still info coming out of the ICO. This is very much a process and the key is that we can all show we are taking it seriously and are underway with taking the steps we need to take.

There were also a few other general points:

- ‘Opt Ins’ - there is no need to send clients an ‘opt in’ as they’ve already consented to you having their data.
- *CKA guidance - we do encourage you to go through the process with all your clients of letting them know your privacy policy*
- Your Privacy Policy can be updated at any time, so you don’t have to have everything in place to get going
- We are looking into the area of cookie policies etc

Extract from the CKA Privacy Policy (which is currently in draft form):

We’re including this extract in case you would like to use any of it to help you to form your Privacy Policy

Guidance to our Members - duties of the practitioner

We give guidance to all our members on the type of data they might keep about their clients and how to do this in a safe manner.

For example, they might keep:

- Contact information - phone, email, address and next of kin
- Client questionnaire - signed by the client- which might include details of medical history and any medication, and what the client would like to work with at the outset (this might, of course, change over time). The client’s signature would confirm they understand their practitioner’s Privacy Policy and how their data will be used, stored and protected.
- Session notes - details of what has been worked with in the sessions

Why do practitioners keep this information?

- To enable them to get in touch with their clients about booking and organising your sessions
- It helps to know who to contact in an emergency and flags up any medical conditions the practitioner needs to be aware of
- To have a better idea of what the client is bringing to the sessions and what they hope to get out of it
- The CKA and BCMA - our professional body - and insurance companies require practitioners us to keep records of their work for legal purposes

How do practitioners keep data about their clients safe?

Confidentiality is in the very nature of each practitioner's work with their clients - it underpins all of their work and so it's important that clients can trust that any information they share will be looked after and respected. This allows the practitioner and client the opportunity to work together in a deep and safely held way.

As an Association, the CKA ensures that all our members see keeping personal information safe as central to their work and a priority. To this end, we advise our practitioners to ensure that they keep data (electronic and on paper) secure by:

- Using locked storage of all paper records
- Using security and passwords on all devices (phones, laptops) where information is stored. This might include encryption, if possible
- Agreeing not to share client information and session notes without their consent. The exception here is when practitioners might use information from sessions as the basis for discussion in mentoring for reflection and guidance. In this case the identity of the client is not revealed.

There are also exceptional circumstances when it is necessary to share information - when the client or another person is at risk of serious harm.

- *In this case, practitioners would first support their client to find a course of action to create safety.*
- *If that proved impossible, the practitioner might need to contact other appropriate professionals, for example the client's GP, and they would hope to do this with the client's permission.*
- *In the unlikely event of a practitioner being under a legal obligation to disclose information, they would first take appropriate professional advice, discuss the matter with the client if possible and keep the disclosure to the minimum necessary.*

What if clients want their information deleted?

For legal purposes, insurance companies ask practitioners to keep client records and notes for seven years from the point of their final session.

Our guidance to our members is to regularly check their records to make sure that any client information that has passed this 'retention' period is taken out of secure storage and safely destroyed.