

The Wellbeing Garden
Data Protection 2024



<i>The Wellbeing Garden:</i>	Spring Meadow, Batheaston, Bath BA1 7JF
<i>Telephone:</i>	07480 174498
<i>E-mail:</i>	hello@thewellbeinggardenbath.co.uk
<i>Website:</i>	www.counselling-directory.com
<i>Mission:</i>	The Wellbeing Garden is committed to cultivating a sanctuary of nature that nurtures the physical, emotional, mental and spiritual health of people within the context of a Person Centred, Christian ethos. We aim to foster a sense of deeper connection to self and the natural world.

Data Protection Policy

Date of Policy:	1st May 2024
Review Period:	May 2026
Review Date:	1st May

Established in 2022, The Wellbeing Garden is an Organisation based in Bath and also operating online. A Registered Company (Number: 14115019), our Senior Management Team comprises:
Helen Marton (Founder & Director) & Simon Marton (Founder & Director).

1. Overview

This policy delineates the requirements of the [Data Protection Act 2018](#) which are deemed relevant to The Wellbeing Garden [WBG], as well as how we are adhering to those requirements. The **Data Protection Act** is the UK's implementation of the **General Data Protection Regulation**, known as **GDPR**. The regulation controls how personal information, known as *personal data*, is used by organisations within the European Union, which the United Kingdom was a member of at the time; it also provides greater protection for *data subjects*. A basic understanding of the requirements of the regulation is required in order to ensure that all persons within our organisation are acting lawfully. This policy therefore delineates key aspects of the regulation, as well as what this means in terms of our current practice.¹

2. Key Terms

2.1. Data Subject

The *data subject* is the identified or identifiable individual the *personal data* relates to.

2.2. Identifier

An *identifier* refers to specific information that enables an individual to be identified. *Identifiers* include a person's name, nickname, geographical address, telephone number and online *identifiers* such as an email address or website.

2.3. Personal Data

Personal data is any information relating to an identified or identifiable individual, such as a name or an IP address; it includes information that enables a person's identity to be revealed, either directly from the information in question, or indirectly, from the information in question in combination with other information. *Personal data* also includes information which has had *identifiers* removed or replaced in order to pseudonymise the data.

3. Data Protection Principles

3.1. The Data Protection Act requires everyone responsible for using *personal data* to do so according to six data protection principles; these ensure that information is:

3.1.1. *Used fairly, lawfully and transparently*

3.1.2. *Used for specified, explicit purposes*

3.1.3. *Used in a way that is adequate, relevant and limited to only what is necessary*

3.1.4. *Accurate and, where necessary, kept up to date*

3.1.5. *Kept for no longer than is necessary*

3.1.6. *Handled in a way that ensures appropriate security, so as to prevent unlawful access*

3.2. These principles directly affect data management at WBG, either directly or indirectly, in the following ways:

3.2.1. The principle of *transparency* requires organisations to be clear, open and honest with *data subjects* from the start regarding what *personal data* it holds, why the data is collected and how it will be used. WBG fulfils this requirement via its **Privacy Statement**, available on its website. All personnel working within our organisation must also be aware that *data subjects* have the right:

3.2.1.1. To be informed about how their data is being used

3.2.1.2. To access and receive a copy of their *personal data* and other supplementary information. This is achieved via a *Subject Access Request (SAR)*. SARs may be made verbally or in writing, including via social media and also by a third party. Organisations must respond without delay and within one month of receipt of the request, or within three months if the request is complex. The information should

be disclosed securely and provided in an accessible, concise and intelligible format. Requests may be refused only if an exemption or restriction applies. In most circumstances, organisations are not permitted to charge a fee for responding to a Subject Access Request, however, there may be a charge if a lot of information is requested. Access Requests should be made to WBG's Data Compliance Officer: Simon Marton.

- 3.2.1.3. To request that inaccurate information is corrected
 - 3.2.1.4. To request the deletion of *personal data*
 - 3.2.1.5. To stop or restrict the processing of their data
 - 3.2.1.6. To *data portability*, which enables *data subjects* to obtain any *personal data* held by one organisation and reuse it, hence copying and transferring it from one service or environment to another; *data portability* also affords *data subjects* the right to receive electronic *personal data* in a portable electronic format
 - 3.2.1.7. To object to how *personal data* is processed in certain circumstances
 - 3.2.1.8. To lodge a complaint with the Data Protection Commissioner
- 3.2.2. At WBG and as indicated by our [Privacy Statement](#), data is used for *specified, explicit* purposes, that being delivery of the service requested of our organisation by service users:
- 3.2.2.1. For clients, data is used in the service of counselling provision;
 - 3.2.2.2. For employees, volunteers and patrons, usage enables the fulfilment of relevant duties;
 - 3.2.2.3. For financial donors, data is used in the service of receiving donations.
- 3.2.3. The requirement for data collection and usage to be *limited to only what is necessary* means that data that does not enable delivery of the service our organisation provides is neither collected, nor subsequently used and/or retained. Data collection must therefore fit, yet not exceed, this purpose.

3.2.4. The requirement for data to be *accurate and, where necessary, kept up to date* means that incorrect data, as well as data that is no longer accurate (due to a change in circumstances) is corrected at the earliest opportunity and all relevant personnel duly informed. Correction of inaccurate data requested by the client is actioned at the earliest opportunity and the client informed once this has been achieved.

3.2.5. With regard to the requirement that *data should be kept for no longer than is necessary*, the GDPR does not dictate how long organisations should keep *personal data*. It is up to the organisations themselves to justify their own practice based on their purposes for data processing. Consideration should therefore be given to why information is deemed worthy of retention, for how long it should be retained, how much of it should be retained and in what format. If data retention fulfils one of the *specified, explicit* purposes previously identified (as 3.2.3), then there are legitimate grounds for data retention. However, data cannot be retained once its specified purposes no longer apply, merely on the off-chance that it might be required in future. In practical terms, this means that when clients complete their counselling, their information should not be retained just in case they return, though if they express an intention to return, or think they may return, that would be legitimate grounds. In the absence of such grounds, *personal data* should be archived once counselling has ended. This will be done by the administration team, upon request. Archived *personal data* is deleted after one year, again by the administration team.²

3.2.6. At WBG, *personal data* is managed in a way that ensures *appropriate security, so as to prevent unlawful access*. Accordingly, our organisation adheres to the following procedures:

3.2.6.1. *Personal data* is stored in locked filing cabinets access to which is restricted to relevant personnel, via a key.

3.2.6.2. Sensitive data in respect of a client's reason for seeking counselling as well as other relevant details regarding their general and mental health is stored securely in our filing cabinets in order to aid us in the task of providing counselling services, including allocating the most appropriate counsellor. Such information may be acquired by telephone or during the initial 'Intake' session.

3.2.6.3. It is usual practice for counsellors to keep notes in respect of counselling sessions, as an aide-memoire for the service they provide. The notes are stored in a second filing cabinet separate to where their personal data is stored. Archived notes are permanently shredded after one year. The notes do not include the client's name, or other *identifiers*. Clients have the right to see these notes and accordingly, counsellors are obliged to provide them upon request, as explained above.

3.2.1.2. Should counsellors' notes prove to be erroneous, clients have the right to request their correction, as detailed in section 3.2.1.3.

3.2.6.4. In addition to those practices already delineated, WBG demonstrates its commitment to protecting *data subjects*, specifically in respect of minimising the use of *identifiers*, in the following ways:

3.2.6.4.1. Counsellors emailing administrators in respect of invoicing clients for counselling sessions adopt the practice of pseudonymising clients' names, thus referring to them using the initials of their first and surname, for example: **JB** for Joe Bloggs. Should there be more than one client with those initials listed for any one counsellor, an additional letter may be included, or alternatively their gender added, hence **JoB**, or **JB (male)**. Additional information required by administrators in order to raise invoices is the client fee.

4. Additional Security Measures:

WBG adopts the following **security measures** so as to enhance the level of protection in place to prevent unlawful access to *personal data*:

- 4.1. Our offices are locked when unattended/closed and accessible only via a key which is available solely to members of our organisation.
- 4.2. Office hardware, including PCs and laptops, is password protected.
- 4.3. Confidential paperwork is stored securely in locked cabinets that are accessible only by key personnel. Such paperwork is never left unattended, never within view of unauthorised persons (even when in use), and always returned to its secure location after use.
- 4.4. All personnel working within our organisation are allocated a work email address which is used for all work-related matters. Personal emails are not used to email clients under any circumstances.

5. Confidentiality and Privacy:

Protection for *data subjects* is further enhanced by WBG's **Privacy Statement**, as well as our **Confidentiality Policy**. Of specific regard is the following:

- 5.1. Our **Privacy Statement** describes exactly how the organisation collects and uses personal information and can be viewed on our website. By using our services, including visiting our website, service users agree to be bound by this policy.
- 5.2. WBG's practice in respect of confidentiality is clearly explained in its **Confidentiality Policy**. According to this policy:
 - 5.2.1. Counselling services are confidential in that counsellors will not share any information about the session with any other person, without the client's permission, unless there are sufficient grounds to believe that either the client or

another person or persons are at significant risk of serious harm.

5.2.2. Should it be necessary to break confidentiality, this will, if at all possible, be discussed with the client prior to involving a third party.

5.2.3. Both upholding confidentiality and the decision to suspend confidentiality operate in accordance with WBG's **Safeguarding Policy**.

6. References and Further Information:

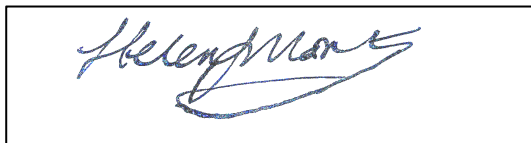
'Data protection,' GOV.UK, accessed 31 December 2020, <https://www.gov.uk/data-protection>.

'General Data Protection Regulation (GDPR): Frequently Asked Questions,' Health and Safety Executive, accessed 31 December 2020, <https://www.hse.ie/eng/gdpr/gdpr-faq/hse-gdpr-faqs-public.pdf>.

'Guide to the General Data Protection Regulation,' Information Commissioner's Office, accessed 31 December 2020, <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>.

7. Signature and Date

Signature for **The Wellbeing Garden**:

A rectangular box containing a handwritten signature in blue ink. The signature appears to read 'Helen Marton' with a stylized flourish at the end.

Name:

Helen Marton

Position:

Founder & Director

Date:

1st May 2024¹