

# Willow Acupuncture - Privacy Notice

## Purpose of privacy notice

The processing of personal data is governed by the General Data Protection Regulation 2016/679 (the GDPR). This legislation will replace current data privacy law, giving more rights to you as an individual and more obligations to organisations holding your personal data.

One of the rights is a right to be informed, which means I have to give you even more information than I do now about the way in which I use, share and store your personal information.

This means that I will be publishing a new privacy notice so you can access this information, along with details about the increased rights you have in relation to the information I hold on you and the legal basis on which I am using it.

This new privacy notice comes into effect and will be published on our website from 25<sup>th</sup> May 2018.

## Who am I?

I, Stephen Lowe, operating under the name of “Willow Acupuncture”, am the data controller for patients who have treatment with me. I work from several locations as indicated on the website [www.willowacupuncture.co.uk](http://www.willowacupuncture.co.uk) - Being the “data controller” means that I decide how your personal data is processed and for what purpose. As Stephen works in more than one location there will be a slight variation in some practice procedures however the highest standard to protect your personal data will be employed at each venue.

## Whose information does this privacy notice apply to?

This privacy notice applies to information I collect from:

- patients;
- prospective patients;
- former patients;
- people who subscribe to any future newsletters;
- visitors to our website;

## What is personal data?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller’s possession or likely to come into such possession. Examples of personal data I may hold about you include your contact and appointment details.

Special category data is a sub-category of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, the

processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. Examples of special category data I may hold about you include your patient notes.

## How do I process your personal data?

I comply with my obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely when I am no longer required by law to retain it; by not collecting or keeping excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data. I use your personal data for the purposes set out below.

### **Sections 1 – 16 apply to our patients, prospective patients, former patients and visitors to our clinic**

1. I use your name, address, telephone number, mobile telephone number and email address to make and rearrange appointments. I am currently unable to send or receive encrypted e-mails so you should be aware that any emails that I send or receive may not be protected in transit. I will also monitor any emails sent to me, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any e-mail you send to me is within the bounds of the law.
2. I use your name, address, telephone number, mobile telephone number and e-mail address, only if I have your explicit consent, to send you marketing materials.
3. I keep a permanent attendance register which records all appointments for patients attending my clinics and when you were treated for tax purposes and to secure potential evidence in the event of a criminal prosecution, civil litigation, insurance claim or complaint to my regulatory body, the British Acupuncture Council.
4. I may use your date of birth to help identify patients with the same name to avoid mistakes being made as to safe and appropriate treatment, for identification purposes if referring a patient to another health practitioner, and for identification purposes if writing to a registered medical practitioner so that they correctly identify the patient.
5. I use your presenting complaint and symptoms reported by you for the purposes of making a full traditional acupuncture diagnosis, formulating treatment strategies and treatment planning.
6. I also use any relevant medical and family history you have told me for making a full traditional acupuncture diagnosis, formulating treatment strategies and treatment planning.

7. I use your GP's name and address in the event that I need to contact your GP including in an emergency and because it is a mandatory requirement in the British Acupuncture Code of Professional Conduct.
8. I use my clinical findings about your health and wellbeing for making a full traditional acupuncture diagnosis and to formulate treatment strategies and for treatment planning.
9. I keep a record, and refer to that record, of any treatment given and details of progress of your case, including reviews of treatment planning to enable me to: review the traditional acupuncture diagnosis findings, review treatment strategies and planning and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.
10. I record and use any information and advice that I have been given, especially when referring patients to any other health professional, to help you to receive the most appropriate treatment and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.
11. I record any decisions made in conjunction with you to help you to receive the most appropriate treatment and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.
12. I keep accident and incident records for any patients, visitors or professional colleagues who are involved in accidents or incidents at any clinic venue I treat from in accordance with UK Health and Safety legislation including the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) to comply with the law and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.
13. In the event of an adverse incident occurring to any of my patients I would report the matter to the British Acupuncture Council (BACC) and the organisation's insurance company to enable the insurance company to deal with any potential claims and to help the British Acupuncture Council to develop its safe practice guidelines, as well as providing research data and information for the BACC's insurers and other interested parties.
14. Where relevant I maintain records of the patient's consent to treatment, or the consent of their next-of-kin in order to be able to prove that the patient (and/or parent/guardian/next of kin) has given informed consent to treatment to secure evidence in the event of a civil claim, criminal prosecution, insurance claim or complaint.
15. I ask for the name and telephone number of a contingency contact person should an incident occur where I deem it necessary to make contact should an incident occur.
16. I use a third party booking system called Setmore to store patient names and e-mail addresses. This system can be found at [www.setmore.com](http://www.setmore.com) - This system sends out

a reminder message about individual appointments by e-mail. I have a password protected account for this internet based service. The will be GDPR compliant by May 25<sup>th</sup> 2018. Their privacy policy can be viewed at:

<https://my.setmore.com/logout.do#>

17. Any clinical notes pertaining a patient's medical history are kept as paper files. These are stored in a locked filing cabinet either at my home practice room or, in the case of patients whom I treat at Birmingham Traditional Acupuncture Centre in Moseley, in locked filing drawer on their premises. When I take notes between premises I keep the in a lockable filing case which gets transported in the boot of my car.

### **Section 17 applies to those who complain about our services**

18. When I receive a complaint from a person I make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint.

I will only use the personal information I collect to process the complaint and to check on the level of service that I provide. I would usually have to disclose the complainant's identity to whoever the complaint is about. If a complainant doesn't want information identifying him or her to be disclosed, I will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis. I may need to provide personal information collected and processed in relation to complaints to the British Acupuncture Council or our insurance company.

I will keep personal information contained in complaint files in line with our retention policy. This means that information relating to a complaint will be retained for two years from closure. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

Similarly, where enquiries are submitted to me I will only use the information supplied to us to deal with the enquiry and any subsequent issues and to check on the level of service I provide.

### **Sections 18 – 19 apply to our website users**

19. When someone visits my website I use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. I do this to find out statistics such as the number of visitors to the various parts of the site. This information is processed in a way which does not identify anyone. I do not make, and do not allow Google to make, any attempt to find out the identities of those visiting my website. If I do want to collect personally identifiable information through my website, I will be make this intention very clear. I would make it clear when I collect personal information and would explain what I intend to do with it.
20. I use a third party service, (Orpheus Internet), to host our website including publishing a "What's New" blog page. This site is hosted at <http://www.orpheusinternet.co.uk>

## Sharing your personal data

Your personal data will be treated as strictly confidential, and will be shared:

- with named third parties with your explicit consent;
- with the relevant authority such as the police or a court, if necessary for compliance with a legal obligation to which I am subject e.g. a court order;
- with your doctor or the police if necessary to protect yours or another person's life;
- with the police or a local authority for the purpose of safeguarding children or vulnerable adults; or
- with my regulatory body, the British Acupuncture Council, or my insurance company in the event of a complaint or insurance claim being brought against me; or
- my solicitor or legal representative in the event of any investigation or legal proceedings being brought against me.

For further details about the situations when information about you might be shared please see the Information Commissioner's website at <https://ico.org.uk/for-the-public/personal-information/sharing-my-info/>

## How long do I keep your personal data?

I keep your personal data for no longer than reasonably necessary.

I keep patient records for a period of 7 years in accordance with the British Acupuncture Code of Professional Conduct <https://www.acupuncture.org.uk/public-content/effective-practice/bacc-professional-codes.html>

*Explain how you will keep data up-to-date, store and destroy personal data. Also, explain what will happen if you are ill or die.*

I keep a limited amount of personal data (first name, surname and telephone numbers) on a password protected spreadsheet on a password protected personal laptop.

I keep a record on this password protected spreadsheet about patients' last treatment dates. I use conditional formatting to identify when individual records are greater than seven years old and I personally incinerate any paper records or contemporaneous notes from treatment sessions that need to be destroyed.

I keep personal data stored on my mobile telephone. This device is password protected. This data will be permanently deleted if it becomes obsolete for a period greater than seven years.

At any time you may request that changes are made to your contact details.

## Your rights and your personal data

Unless subject to an exemption under the GDPR, you have certain rights with respect to your personal data as set out below.

- The right to request a copy of your personal data which I hold about you.
- The right to request that I correct any personal data if it is found to be inaccurate or out of date.
- The right to request your personal data is erased where it is no longer necessary for me to retain such data.
- The right to withdraw your consent to the processing at any time. This right does not apply where I am involved in the processing of information using a lawful purpose other than consent.
- The right to request that I provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable) [This right only applies where the processing is based on consent or is necessary for the performance of a contract with you and in either case I am processing the data by automated means].
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing.
- The right to object to the processing of personal data, (where applicable) [This right only applies where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics].
- The right to be informed if your data is lost. I shall also inform the Information Commissioner's Office in accordance with the time limits in the GDPR.
- The right to lodge a complaint with the Information Commissioner's Office.

For further details about these rights please see the Information Commissioner's website at <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

## Further processing

If I wish to use your personal data for a new purpose, not covered by this Privacy Notice, then I will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, I will seek your prior consent to the new processing.

## Contact Details

To exercise all relevant rights, queries of complaints please in the first instance contact me via e-mail using the address: [info@willowacupuncture.co.uk](mailto:info@willowacupuncture.co.uk) or by Telephone: 07745 893555

You may contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

END OF PRIVACY NOTICE

Kind regards

Stephen Lowe trading as "Willow Acupuncture"

May 2018