# Catharsis Data Protection and Information Sharing Policy

At Catharsis we are committed to providing therapeutic services that are tailored to the needs of a diverse range of clients. This policy has been developed to help Catharsis comply with data protection legislation, including the GDPR (General Data Protection Regulations) legislation, which came into force on 25.5.18 and ICO (Information Commissioners Office) Data Sharing – Code of Practice.

As data controllers and data processors, Catharsis are involved in obtaining, manipulating or processing data in connection with staff, sub contractors, clients and referral agencies; GDPR legislation and associated regulations therefore apply to us. Keren Adler, Service Development Manager will act as first point of contact within Catharsis for reporting or discussing data protection and information sharing issues. Hannah Robertson, Managing Director will act as deputy. The Catharsis Senior Leadership Team will be fully trained in General Data Protection Regulations and will ensure they keep abreast of policy changes.

GDPR legislation, which replaces the Data Protection Act 1998 continues to protect the rights of individuals in relation to their personal data, however it is more explicit about keeping individuals informed about how, why and for how long their data is held. It aims to ensure that people know where their data is held, how long it is held for, what it is used for and with whom it is shared. It continues to legislate in relation to rights of access and erasure among other rights, however there are also higher standards under GDPR for consent. The Act makes sure that personal information is treated correctly and that the organisation has systems in place to manage that information. The relevant independent regulator is the Information Commissioner Office (ICO), with whom Catharsis is registered.

Catharsis considers the protection of personal data of key importance and supports the objectives of GDPR. As such, Catharsis will commit to conducting Data Protection Impact Assessments (DPIAs) before introducing new technologies, databases, or data-sharing practices.

Catharsis will ensure that all freelance therapists, employees, students and volunteers with access to personal data, are aware of their responsibilities under the Act and will provide such training and support as shall be necessary. There is an expectation that all Catharsis therapists are registered with ICO and this is stipulated within the Roles and Responsibilities of Catharsis Freelance Therapists.

**Catharsis's application of the Eight Principles of Data Protection**

As with the Data Protection Act, GDPR applies to the processing of personal data or information about a living individual whether stored electronically on a computer (this includes e-mails) or within a manual filing system (e.g. case notes, any written notes, part of a filing system, letter, application forms, etc).

The Act sets out eight principles. Catharsis requires that all staff and sub contractors adhere to these principles.

Data…

1. shall be processed fairly and lawfully
2. shall be obtained and processed for specified and lawful purposes
3. shall be adequate, relevant and not excessive
4. shall be accurate and up to date
5. shall not be kept for longer than is necessary
6. shall be processed in accordance with the rights of data subjects
7. shall be kept safe from unauthorised access, accidental loss or destruction
8. shall not be transferred to other countries outside the European Economic Area without adequate protection.

Processing of data must always be shown to be necessary. No data will be sold or used for marketing. There are 6 lawful basis for processing; it is most likely that Catharsis staff and therapists will be processing data under reasons 1, 3 or, 6.

1. **Consent** - this must be given freely and explicitly. All therapists will explain to clients (or whoever has parental responsibility if the client is under 13yrs and/or not Gillick competent) at the start of therapy the circumstances in which confidentiality may be broken.

2. **Contract** – in order to fulfil contractual obligations

3. **Legal Obligation** – where the Courts or the police require this information

4. **Public Task** – performing specific tasks in the public interest that have been set out in law.

5. **Vital Interest** – in order to protect someone's life

6. **Legitimate Interest** – where there is a compelling justification for the processing (i.e. in order to be able to take a referral). Legitimate interest needs to be balanced against the individual's interests, rights and freedoms.

Some exemptions apply and are justifiable reasons for data processing; this includes the protection of the individual and others (harm to self and others), national security and the prevention, investigation, detection and prosecution of criminal offences.

**Catharsis approach to the security of data and its retention.**

GDPR requires that personal data be kept securely at a level appropriate to the nature of the data being processed; this applies to paper based and computer filing systems.

Catharsis encourages the use of data sharing agreements with the agencies / institutions it works with – this is good practice and links to the accountability principle (see ICO guidance)

General requirements for Catharsis staff:

a) Staff must ensure that consent is gained from either the adult, Young Person (over 13yrs) or their Parent / Carer (under 13yrs / not Gillick competent) and that clear guidance is given in relation to data retention and sharing
b) Staff must comply with Catharsis's guidance on the use of e-mail and the internet (see Roles and Responsibilities)
c) Always ensure that that there is specific reason to record and use data and that recording is legal, either because:
   - There is consent to use the data – this may be implied (e.g. an individual has responded to a mailshot) or expressed (they have signed a consent form); or
   - The processing is necessary to enable Catharsis to comply with legal requirements, to receive referrals and to manage caseloads.
d) Staff should only access personal data when there is a legitimate reason for doing so.
e) Information recorded should be factual and not based on opinion, unless explicitly explained as such.
f) Information should be updated as soon as notice of any change is received.
g) Personal data should not be kept longer than is necessary.
h) When disposing of personal data, it should be treated as confidential waste and either shredded or securely disposed of.
i) All personal data must be kept secure especially when unattended (a secure room and filing cabinet is available for this purpose at the Catharsis Arts Therapy Centre).

j) Staff must be aware of policy relating to the transporting of data which should be secure at all times; this includes Catharsis information security, file retention and data management approach, as well as the safe practice guidelines of the Arts Therapies governing bodies or other relevant governing bodies.
k) All personal data transported on data sticks, USB systems or other devises will be encrypted accordingly
l) All reports sent via insecure email addresses will be encrypted, password protected or anonymised as appropriate. Reports should only be shared with appropriate staff and where there is a specific purpose.
m) Privacy Statements are included on a range of pro forma documents. Contact forms via the Catharsis website similarly include the consent for data to be stored.
n) Data breaches need to be reported within 72 hours to ICO. Consideration will also need to be given as to whether data subjects should be notified.

Catharsis is committed to storing all electronic and paper recordings in accordance with GDPR, which provides the framework for retention. It requires that data is not kept for longer than necessary. The retention period for keeping client data centrally including reports and referrals is 2 years. The retention period for keeping staff personal data is 2 years after application or last working date, whichever is the latest. In relation to personal data, all staff and clients have a right of access, right of rectification and right to erasure (this may be earlier than 2 years) under GDPR.

Freelance therapists are required by their governing bodies and insurance to retain records for a longer time frame and this needs to be made clear to data subjects from the onset. Where possible, creative materials and personal documents should be returned to the client, however therapists must adhere to the rules set by their relevant governing body in relation to the storage of creative materials made by a client as part of their therapeutic intervention.

Catharsis will adhere to good practice and wherever possible, records will be stored electronically, allowing paper records to be destroyed.

Catharsis will maintain a Single Central Record for all staff; this includes personal data such as date of birth, DBS detail, car registration, emergency contact and home address. Copies of DBS certificates will not be saved beyond 3 months (probationary period).

**COVID-19 or other Practice**
In certain situations, such as a pandemic, new ways of working may necessitate alternative ways to offer support; telephone and/or web based contact may be the only options available. In these circumstances therapists will need to follow the guidelines of their governing bodies and ensure they are assessing confidentiality and safety issues for them and their clients. Zoom video conferencing has been recommended as a suitable web-based platform, however, with informed consent other platforms may be considered. The ability to maintain a safe and secure environment for sessions needs to be assessed and discussed carefully with the client, along with secure ways to send art work (for example) electronically.

**Non-Catharsis sites and recording systems**

The security of our data is important to us and we operate in an environment where we store both electronic and paper records on the premises of other organisations. In these circumstances, we will operate under the accordance of their Data Protection systems and GDPR. Catharsis will work in partnership to solve any data inconsistencies in practice. Where, in the rare event, it is not possible to reach agreement with regards to safe storage, the Managing Director will consider termination of the delivery of services.

Reporting of data breaches is mandatory and can be done via the ICO website: https://ico.org.uk/for-organisations/guide-to-pecr/communications-networks-and-services/security-breaches/ Data breaches need to be reported within 72 hours to ICO – this is mandatory. Immediate reporting to the Catharsis Senior Leadership Team is required (expected within 2 hours). In addition to this, Catharsis has a clear complaints process and

Whistleblowing policy if data is misused.

**Catharsis compliance and its response to complaints**

The Service Development Manager, with support from the Management Team, is responsible for ensuring compliance with GDPR and implementation of this policy. All data protection complaints and data breaches reported to ICO must be passed immediately to the Catharsis Senior Leadership Team (SLT).

An inventory of breaches will be recorded by SLT; this will include:

- The facts surrounding the breach
- The effects of the breach
- The remedial action taken

**Subject Access Requests**

Individuals have the right to access and receive a copy of their personal data; this is referred to as a Subject Access Request (SAR). Requests of this nature need to be put in writing to the Catharsis SLT, with clear detail about what data is being requested (SAR Request Form to be completed). Catharsis will endeavour to respond to requests of this nature within one month – or will provide feedback on why an extension is required. If Catharsis is in a legal contract which stipulates we are Data Processors (as opposed to a Data Controllers), then decisions about SAR sit with the Controller; as such, requests of this nature should be made to the Data Controller.

Due to the administrative time needed for SARs, if the number of requests from one individual become excessive, they may be refused and therapy sessions terminated. A record of SARs will be maintained by Catharsis.

**Review**

| **Implementation / Review date** | **Reviewers** |
|---|---|
| August 2025 | Hannah Robertson |
| Next Review date | Keren Adler |
| August 2026 | |