

Privacy policy - Counselling Works Ltd - Clients

1. Introduction

1.1 We are committed to safeguarding the privacy of our counselling clients, perspective counselling clients, corporate and charitable clients and website visitors.

1.2 This policy applies where we are acting as a data controller for the personal data of clients, prospective clients and website visitors; in other words, where we determine the purposes and means of the processing of that personal data.

1.3 We use cookies on our website. Cookies are used only for vital aspects of the site, such as logging in and do not require the visitor's consent.

1.4 You will not receive Direct Marketing from us. We will only communicate with you as an integral part of your contract with us, or in negotiation of a possible contract.

1.5 In this policy, "we", "us" and "our" refer to Counselling Works Ltd.

1.6 When we refer to "counsellor/s" we also include "therapist/s".

2. An outline of how we work

2.1 We are approached by prospective clients who are seeking counselling. They are referred to us from a variety of sources:

2.1.1 self-referral

2.1.2 previous clients returning

2.1.3 primary medical services - usually GP's.

2.1.4 solicitors (or other legal advisors)

2.1.5 the employer of a prospective client

2.1.6 another counsellor

2.1.7 a parent, guardian or carer

2.2 We have affiliated counsellors and we have satisfied ourselves:

2.2.1 that the affiliates are a member of counselling organisation that has an enforceable code of ethics. This means that a client of the affiliate can complain to the association and the association will enforce their decision - and could even expel their member.

2.2.2 that the affiliate has arranged civil liability insurance with a minimum limit of indemnity of £1m

2.2.3 that the affiliate is qualified as a counsellor and to the level of training. You can ask us about the counsellor's qualifications

2.2.4 that the affiliate is sufficiently experienced to deal with your "presenting problem". This means the reason you asked for counselling when first contacting us

2.2.5 none of our affiliates are trainees, so you will always see a counsellor who has completed their training

2.2.6 acting on your instruction, we will refer you to an affiliate who we believe can assist you, taking into account the information you have given us.

3. How we use your personal data

3.1 In this Section 3 we set out:

3.1.1 the general categories of personal data that we process

3.1.2 the purposes for which we process personal data

3.1.3 the legal bases of the processing

3 Categories of data

3.2 **Contact data.** We will process some, or all, of the following data

3.2.1 your name

3.2.2 address and postcode

3.2.3 phone number/s

3.2.4 email address/es

3.2.5 skype or other video contact systems addresses or numbers.

3.2.6 The purpose of processing the data is for us to fulfil our contract with you

3.2.7 The legal basis for processing this data is that it is necessary to fulfil our contract with you.

3.3 **Information about you.** Practical information relating the counselling you seek

3.3.1 referral date

3.3.2 reason for seeking counselling (referred to as the "presenting problem" above)

3.3.3 your partner's and/or family members name if you are seeking couples or family counselling

3.3.4 the fee range you hope to pay for counselling

3.3.5 date of the first session and your availability to attend future sessions.

3.3.6 The purpose of processing this data is to attempt to find a counsellor who can meet your needs as specified by you and professional judged by us.

3.3.7 The legal basis is that it is necessary to process the data to fulfil our contract with you

3.4 **Special category data** - this is prescribed in the General Data Protection Regulations. The following list is not exhaustive, but indicates the type of data in this category.

3.4.1 racial or ethnic origin

3.4.2 political opinions

- 3.4.3 religious or philosophical beliefs
- 3.4.4 trade union membership
- 3.4.5 the processing of genetic data
- 3.4.6 biometric data for the purpose of uniquely identifying a natural person ("natural person" is a human being and does not include a machine or a legal entity)
- 3.4.7 data concerning health
- 3.4.8 data concerning a natural person's (see 3.4.6 above) sex life or sexual orientation
- 3.4.9 The purpose of processing this data is to attempt to find a counsellor who can meet your specified needs and professional judges by us to be suitable.
- 3.4.10 The legal basis is your consent.

3.5 **Transactional information** - used when you pay.

- 3.5.1 bank account number and sort code
- 3.5.2 Credit/Debit card identifiers.
- 3.5.3 The purpose of processing this information is to complete the financial transaction associated with the service provided and keeping proper records of our business transactions as required by law.
- 3.5.4 The legal basis is that it is necessary to process the data to fulfil our contract with you.

3.6 **Accounts information** - information we hold and use about the financial transactions

- 3.6.1 Transaction details - our financial records.
- 3.6.2 The purpose of processing this information is to complete the financial transaction associated with the service provided and keeping proper records of our business transactions as required by law.
- 3.6.3 The legal basis is that it is necessary to process the data to fulfil our contract with you.

3.7 **Correspondence data** - a record of our correspondence relating to our contract with you.

- 3.7.1 We keep a record of our correspondence with you, or about you, with our affiliates. This is most likely to be either emails or telephone calls.
- 3.7.2 If you first contact us via our website our copy communication may contain metadata about that communication.
- 3.7.3 The correspondence data will be processed to communicate with you and record-keeping.
- 3.7.4 The legal basis for this processing is our legitimate interests, namely the proper administration of our business and communications with you.

3.8 **Counselling enquiries** Some times people contact us but a counselling contract does not finally result.

- 3.8.1 The enquiry data is processed to offer an appropriate services to you.

3.8.2 The legal basis for this processing is taking steps, at your request, to enter into such a contract.

3.9 Legal defence

3.9.1 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

3.9.2 The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.

3.10 Insurance

3.10.1 We may process any of your personal data, but not special category data, identified in this policy where necessary to obtain or maintain insurance coverage, managing risks, or obtaining professional advice.

3.10.2 The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.

3.11 Legal obligation

3.11.1 In addition to the specific purposes for which we may process your personal data set out in this Section 3, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of other natural persons.

3.11.2 The purpose is the proper protection of our business against risks.

3.11.3 The legal basis for this processing is to comply with the orders of a competent court, statute or EU Directive, the proper protection of our business against risks.

4. Providing your personal data to others

4.1 We will supply our affiliates with certain information about you, but they will not be given your name or any other personal identifiers without your knowledge. They will be given:

4.1.1 your referral date to us (3.2.1 above)

4.1.2 fee range (3.3.4 above)

4.1.3 intended session date and times (3.3.5 above)

4.1.4 extremely limited Special Category data (see 3.4 above) but only in so far as it is relevant to the Presenting Problem (see 3.3.2).

4.2 With your verbal consent, which will be confirmed in writing BEFORE the counselling with our affiliate commences, will we supply your personal data (in 4.1) to the single affiliate counsellor you and we have agreed upon.

4.3 After we have referred you to an affiliate counsellor that counsellor becomes the Data Controller of any information you give the affiliate counsellor.

4.4 This is achieved by the counsellor logging on to our password protected database. At the same time, we will give you (usually by email) details of the counsellor.

- 4.5 We may disclose your personal data to our insurers and/or professional advisers insofar as is reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. (See 3.10 above)
- 4.6 We may send your personal data to our IT suppliers or subcontractors insofar as reasonably necessary for record keeping.
- 4.7 Our incoming telephone calls are frequently answered by our messaging service providers (Money Penny Ltd) and they pass a brief summary of your call to us by text and it is also available to us on their secure website. You can find information about Money Penny's privacy policies and practices at <https://www.money Penny.com/uk/privacy/>. Money Penny will retain the information you give to them for three months before deleting it.
- 4.8 Financial transactions relating to our services are handled by our payment services providers - (bank) Co-op Bank PLC, (card processors) Square Up and (bookkeepers) KashFlow Software Ltd. We will share transaction data with them to the extent necessary to process your payments, refunding payments and dealing with complaints and queries relating to payments and refunds. You can find information about the payment services providers' privacy policies and practices at <https://www.co-operativebank.co.uk/global/privacy-and-cookies>, <https://squareup.com/gb/legal/privacy> and <https://www.kashflow.com/privacy-policy>.
- 4.9 We will provide HMRC with data they require if we are obliged by law to do so.
- 4.10 Our accountants are Connolly Accountants LLP, and financial transactions relating to our services are handled by them. We may share transaction data with them only to the extent necessary to prepare our accounts and giving us advice on financial matters. You can find information about their privacy policies and practices at <https://www.connollyaccountants.com/privacy-policy>
- 4.11 In addition to the specific disclosures of personal data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of other natural persons. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

5. International transfers of your personal data

- 5.1 In this Section 5, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA).
- 5.2 We, and our sister company Rooms to Talk Ltd, store data on our IT services provider's secure servers within the European Union (EU) or facilities which are subject to the EU-U.S. and Swiss-U.S. Privacy Shield.
- 5.3 The hosting facilities for our website are situated in the United Kingdom.

6. Retaining and deleting personal data

- 6.1 This Section 6 sets out our data retention policies and procedure, which are designed to ensure that we comply with our legal obligations concerning the retention and deletion of personal data.

- 6.2 Personal data that we process for any purpose will not be kept for longer than is necessary for that purpose.
- 6.3 We will retain data for three months after we last had contact with you if a counselling agreement does not proceed, and for three years following the last day that you have used our service if a counselling contract did result.
- 6.4 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or to protect your vital interests or the vital interests of another natural person.

7. Amendments

- 7.1 We may update this policy from time to time by publishing a new version on our website www.counsellingworks.co.uk
- 7.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 7.3 We may notify you of significant changes to this policy by email to the last email address you have supplied us with.

8. Your rights

- 8.1 In this Section we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in this summary. The legislation referred to is the General Data Protection Regulations and details are available from the Information Commissioner's Office. www.ico.gov.uk.
- 8.2 Your principal rights under GDPR are:
 - 8.2.1 the right to access
 - 8.2.2 the right to rectification
 - 8.2.3 the right to erasure (sometimes referred to as the right to be forgotten)
 - 8.2.4 the right to restrict processing
 - 8.2.5 the right to object to processing;
 - 8.2.6 the right to data portability;
 - 8.2.7 the right to complain to a supervisory authority (in the UK this the Information Commissioner's Office)
 - 8.2.8 the right to withdraw consent.
- 8.3 You have the right to know whether we process your personal data and, if we do, access to that data. Additionally, details of the purposes of the processing (which are included in this policy), the categories of personal data concerned (included in this policy) and the recipients of the personal data (included in this policy). Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, and additional copies may be subject to a reasonable fee.
- 8.4 You have the right to have any inaccurate personal data about you rectified, and to have any incomplete personal data about you, completed.

- 8.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include:
 - 8.5.1 the personal data that is no longer necessary in relation to the purposes for which it was originally collected
 - 8.5.2 you can withdraw consent to consent-based processing (3.4 above)
 - 8.5.3 you object to the processing under rules of applicable data protection law
 - 8.5.4 the processing is for direct marketing purposes
 - 8.5.5 the personal data have been unlawfully processed.
- 8.6 However, there are exclusions to the right to erasure.
 - 8.6.1 the general exclusions include where processing is necessary
 - 8.6.2 for exercising the right of freedom of expression and information
 - 8.6.3 for compliance with a legal obligation
 - 8.6.4 for the establishment, exercise or defence of legal claims.
- 8.7 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are:
 - 8.7.1 you contest the accuracy of the personal data
 - 8.7.2 processing is unlawful, but you oppose erasure
 - 8.7.3 we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims
 - 8.7.4 you have objected to processing, pending the verification of that objection.
- 8.8 Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only process it:
 - 8.8.1 with your consent
 - 8.8.2 for the establishment, exercise or defence of legal claims
 - 8.8.3 for the protection of the rights of another natural or legal person
 - 8.8.4 or for reasons of important public interest.
- 8.9 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for:
 - 8.9.2 the performance of a task carried out in the public interest or in the exercise of any official authority vested in us
 - 8.9.3 the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

- 8.10 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you do object, we will cease to process your personal data for this purpose.
- 8.11 You have the right to object to our processing of your personal data for the following purposes:
- 8.11.1 scientific
 - 8.11.2 historical research
 - 8.11.3 statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 8.12 You have the right to receive your personal data from us in a structured, commonly used and machine-readable format if:
- 8.12.1 the processing is carried out by automated means
 - 8.12.2 its legal basis is consent, or that the processing is necessary for the performance of a contract to which you are party, or to take steps at your request prior to entering into a contract
 - 8.12.3 However, this right does not apply if it would adversely affect the rights and freedoms of others.
- 8.13 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 8.14 If the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 8.15 You may exercise any of your rights relating to your personal data by written notice to us, in addition to the other methods specified in this Section 8.

9. About cookies

- 9.1 A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.

10. Use of Cookies

- 10.1 We use cookies in three ways:

10.2 Strictly necessary cookies

These are cookies that are required for the operation of our website. They include, for example, cookies that enable you to log into secure areas of our website.

10.3 Functionality cookies

These are used to recognise you when you return to our website. This enables us to personalise our content for you, remember your preferences.

10.4 Analytics

We use analytic tools to collect information about how people use our website. This helps us to improve the site for future use and make sure that it's meeting the needs of the people using it. Analytics cookies store information about what pages people visit, how long they are on the site, how they got there and what they click on. Analytics cookies do not collect or store users' personal information (for example, names or addresses), so this information cannot be used to identify individuals.

11. Cookies used by our service providers

- 11.1 Our service providers use cookies, and these cookies may be stored on your computer when you visit our website.
- 11.2 We use Google Analytics to analyse the use of our website. Google Analytics gathers information about website use by means of cookies. The information gathered relating to our website is used to create reports about the use of our website. Google's privacy policy is available at: <https://www.google.com/policies/privacy/>.

12 Blocking Cookies

- 12.1 If you block cookies, you will not be able to use all the features on our website.

13. Our details

- 13.1 This website www.counsellingworks.co.uk and www.counsellingworks.info are owned and operated by Counselling Works Ltd.
- 13.2 We are registered in England and Wales under registration number 04504404, and our registered office is at 62 High Street, Stony Stratford, Milton Keynes. MK11 1AQ.
- 13.3 Our principal place of business is at 62 High Street, Stony Stratford, Milton Keynes. MK11 1AQ.
- 13.4 You can contact us:
- (a) by post, to 62 High Street, Stony Stratford, Milton Keynes. MK11 1AQ;
 - (b) using our website contact form at www.counsellingworks.co.uk;
 - (c) by telephone, on 01908 263800; or
 - (d) by email, using the email address published on our website from time to time.

14. Data protection officers

- 14.1 Counselling Works Ltd is registered as a data controller with the Information Commissioner's Office (ICO Registered number Z8864541).
- 14.1 Our data protection officer's contact details are: Allan Turner and Elizabeth Clarke as above.