

Footsteps (Bucks) Ltd Privacy Policy May 2018

This statement outlines information on how we store and use your child's data and personal information. It relates to children who are receiving direct clinical services from therapists at Footsteps (Bucks) Ltd.

1.0 Who are we?

Footsteps (Bucks) Ltd is registered with Companies House (no. 07317006). We provide independent paediatric occupational therapy (OT) services to children both at the main clinic and in schools. The company is owned and directed by Sheena Anderson, an occupational therapist registered with the Health and Care Professions Council (HCPC).

Footsteps (Bucks) Ltd also operates a website (footstepsoccupationaltherapy.co.uk) which provides information about the practice, OT, services we offer and the team.

Footsteps (Bucks) Ltd is committed to protecting the privacy of information provided by clients.

Footsteps (Bucks) Ltd sub-contracts to Occupational Therapists who also provide OT paediatric assessments/treatment. All therapists are asked to sign a Data Processing Contract outlining their responsibilities in managing sensitive data and to ensure they follow the guidelines set out within this privacy policy.

2.0 Collection of personal information.

Information about your child may be collected via spoken or written information from parents / guardians. With parental consent, information may also be collected from other professionals working with your child. This may include but is not limited to school or nursery staff, speech and language therapists, paediatricians and other relevant professionals involved in your child's care. We also collect information regarding immediate family members (i.e. contact details for parents, medical history information, and developmental history) where relevant. Any professionals wanting to refer to the practice would be expected to have gained consent from the parent/guardian prior to making contact with the Footsteps (Bucks) Ltd.

WEBSITE: You may use the Footsteps (Bucks) Ltd website without providing any personal information. However, if you wish to make an enquiry via the website, you are requested to download a contact sheet providing personal information, such as your name, e-mail address, contact telephone number and information about your child to enable us to respond to your enquiry. This information will be kept by for up to 6 months however If your enquiry does not result in your child being seen by Footsteps (Bucks) Ltd

then this personal information will be deleted. If your child is subsequently seen by Footsteps (Bucks) Ltd these details will be added to their personal record.

3.0 What information do we hold?

3.1 Active Clients

For children who are currently being seen or reviewed we hold some or all of the following information:

- Consent Form *
- History Information – includes relevant information on family members, medical and developmental histories, including allergies or medication required*
- Reports or Summaries written by us
- Reports from other professionals *
- Letters from other professionals *
- Education Healthcare Plans (EHCPs) or Educational Statements of Need that have not been transferred into EHCPs *
- Treatment Notes
- Record of appointments (therapist diary)
- Record of invoices
- Assessment Questionnaires from home and school including Sensory Profiles *
- Assessment forms e.g. Beery Buktenica Developmental Test of Visual Motor Integration, Movement –Assessment Battery for Children, Miller Function and Participation Scales, Test of Visual Perceptual Skills, Motor-Free Visual Perception Test, Test of Auditory Perceptual Skills, Detailed Assessment of Speed of Handwriting and handwriting samples #
- Samples of work for comparison #
- Pictures of work for comparison
- Email correspondence

* These documents may be kept in paper format.

These documents are kept in paper format.

3.2 Inactive Clients

For children who have received occupational therapy but have not been seen for up to 18 months we will archive the file. We typically archive in December and July each year. An electronic copy of paper forms will be created if required. We will keep:

- Consent Form
- History Information including phone number
- Reports or Summaries produced by Footsteps (Bucks) Ltd
- Reports or letters from other professionals if they have significantly informed decision making
- Treatment Notes
- Handwriting Sample
- Email correspondence (if related to assessment/treatment, e.g. not emails about scheduling of appointments)
- Record of invoices

4.0 How is our data stored?

All electronic information is stored with encryption on both the therapist's computer and backup drives. All information about you, your child and their occupational therapy is stored securely in our systems to ensure that we have a complete record of our service to them.

Paper records are held within a locked cabinet (either at the Footsteps (Bucks) Ltd practice or within each occupational therapists own home). The minimum amount of confidential information will be taken out of the occupational therapist's base, and if it is it will be kept with the occupational therapist at all times or will be locked in the boot of the Occupational Therapist's car (whichever is deemed to be the most secure at that time). The child is referred to by their initials and each folder has a specific code on it relating to the child.

Your name and telephone number, messages and call history are stored on the therapist's phone.

The record of your invoices, which includes your child's name and amount of treatment sessions provided for each month, is also stored with encryption on both the therapist's computer and backup drives.

Videos and photographs may be taken of clients with parental consent to provide demonstrations of the recommended exercises to be carried out within their home environment. Therapists will take the video or photograph on their pin-protected mobile phone or tablet and transfer these to a secure computer within 24 hours of the appointment. The therapist will confirm they have the correct email address before sending the images/videos to you, the parent. Once the therapist has confirmation you have received the images/video then the content will be deleted from all devices.

From May 2018 we request that for any documents containing personal information that you provide us are sent via email are protected with a password that you have sent separately by text message or that they are sent via encrypted email. If we receive information that is not protected in this manner we are unable to take responsibility in the unlikely event that an email breach occurs.

From May 2018 we also request that you use the child number we provide you with on any paper copies of forms that you give to us to transport. We appreciate that this quite impersonal is but it is the easiest way we can ensure that your child's privacy is protected.

For child records created between 2002-July 2018, Footsteps (Bucks) Ltd will also have an encrypted electronic copy of the record.

5.0 How we use personal information about you and/or your child's.

The personal information outlined under point 3.0 is used by us for the purpose of delivering your child's occupational therapy. We use this information:

- To prepare, plan and provide occupational therapy services for your child.
- To inform clinical decision making and support recommendations.
- To prepare reports.
- To facilitate goal measurement.
- To communicate with you via post, email, telephone, mobile messages and SMS in regards to
 - Confirming and preparing appointments
 - General communication in between appointments
 - Sending you reports and programmes for your child (password protected)
 - Coping you into communications with other professionals involved with your child (your child's initials rather than full name will be used in emails)
 - Sending you resources
 - Sending you invoices and receipts
- For management and administration, including appointment diaries.
- We will occasionally send out update emails relating to clinical service provision such as therapist holiday dates, changes to policies or fees, requests for loan equipment to be returned and requests to organise appointments. These emails typically occur once every half term.



Footsteps (Bucks) Ltd does not use your or your child's details for any purposes other than required to provide an occupational therapy service to you and your child. If a child's data will be used for therapist supervision, outcome measurement or research we will ask you to sign a separate informed consent form. This form will outline exactly how the data will be used.

We may convert appointment data into aggregated data. This information is used internally to help inform our business planning.

6.0 Our lawful basis for collecting this information.

Our lawful basis for collecting this information under article 6 of General Data Protection Regulation (GDPR) is trifold. Firstly we require consent to provide your child with an occupational therapy service.

Secondly we have a 'legitimate interest' (under article 6 of GDPR). We cannot adequately deliver a service to your child without processing their personal information. As it is both a necessity for our service delivery and of benefit to your child, we have a legitimate interest to process and store their data.

Finally data relating to an individual's health is classified as 'Special Category Data' under section 9 of the GDPR. The regulations specify that health professionals who are "legally bound to professional secrecy" may have a lawful basis for processing this data. Occupational Therapists are legally bound to keep client information confidential and it is under this condition that we process and store personal information.

6.1 Meeting our professional obligations

It is a legal requirement for all Occupational Therapists to be registered with the HCPC. The HCPC has clear standards of conduct, performance and ethics that all registrants must adhere to. These standards affect the way in which we process and share information. Specifically:

Standard 2: Communicate appropriately and effectively

"You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user."

Standard 10: Keep records of your work

“You must keep full, clear, and accurate records for everyone you care for, treat, or provide other services to. You must complete all records promptly and as soon as possible after providing care, treatment or other services. You must keep records secure by protecting them from loss, damage or inappropriate access.”

For further information the full document can be found at:
<http://www.hcpcuk.org/assets/documents/10004EDFStandardsofconduct,performanceandethics.pdf>

The therapists at Footsteps (Bucks) Ltd are also members of the Royal College of Occupational Therapists. Notes kept by clinicians follow the College of Occupational Therapists Keeping Records Guidance 2017.

6.2 UK Data Protection Law and EU General Data Protection Regulations

Data Protection Law lays down wide-ranging rules, backed up by criminal sanctions, for the processing of information about identifiable, living individuals. It also gives individuals certain rights in relation to personal data held about them by others. Sheena Anderson is registered with the Information Commissioner's Office (ICO) as a Data Controller. Her IOC registration number is: **ZA320602**

7.0 Sharing of Personal Data

Except as specified below, we do not share your or your child's information with any external or third parties. We do not ever share or sell your personal information to third parties for data collection, marketing or advertising purposes.

We will request that you share copies of reports or written documents to relevant third parties involved in your child's care (e.g. class teachers, Special Educational Needs Coordinators (SENCo) or support assistants allocated to completing occupational therapy programmes). We will obtain your written consent prior to sharing information with any relevant third party involved in your child's care. We never share your or your child's information with any third party not involved in your child's care.

As a front line practitioner all therapists working for Footsteps (Bucks) Ltd have a legal obligation to comply with the March 2015 'Working together to safeguard children - a guide to inter-agency working to safeguard and promote the welfare of children' policy. Whilst the preference is that information regarding safeguarding is shared with parent consent, the advice guidance for sharing of information states,
‘You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk.’

8.0 How long is the archive information kept?

8.1 Records excluding therapist diary

In guidance with the Records Management Code of Practice for Health and Social Care 2016 the archive information will be kept until your child turns 25 or 26.

The guidance states (pg. 54):

Basic health and social care retention requirement is to retain until 25th birthday or if the patient was 17 at the conclusion of the treatment, until their 26th birthday. Check for any other involvements that could extend the retention. All must be reviewed prior to destruction taking into account any serious incident retentions. This includes medical illustration records such as X-rays and scans as well as video and other formats.

We clear our records annually in January therefore records will be destroyed the first January after your child turns 25 (or 26 if applicable).

8.2 Therapist Diary

The College of Occupational Therapists Keeping Records Guidance 2017 advises that diaries should be kept for eight years in line with the Information Governance Alliance 2016 Document. The guidance states (pg. 29):

'Paper and digital diaries of health visitors, district nurses and allied health professionals should be retained for two years after the end of the year to which the diary relates, if the relevant service user-specific information is transferred to the service user's care record. If the information is not transferred the diary must be kept for eight years (4.6.1 Information Governance Alliance 2016, p60).

8.3 Enquiries that are not pursued

We will hold initial contact information for six months however if you have not pursued further assessment or engagement by Footsteps (Bucks) Ltd by this time, your initial contact sheet will be destroyed.

9.0 Your right to be forgotten (right to eraser).

Whilst the GDPR provides for the right to be forgotten, health data that is processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (e.g. a health professional) falls into one of the special categories where the right of erasure does not apply.

10.0 Our responsibilities

We are committed to maintaining the security and confidentiality of your child's record. We actively implement security measures to ensure their information is safe, and audit these on a six monthly basis. We will not release your personal details to any third party without first seeking your consent, unless this is allowed for or required by law. We are constantly working to ensure compliance with current data protection regulation.

11.0 Your rights

Data protection legislation gives you, the parent, various rights. The most important of these are as follows:

- You have the right to a copy of information we hold about your child.
- You have the right to ask for your record to be amended if you believe that it is wrong.

You can read more about these rights at <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

It is important to note that any data held about children is their own personal data and does not belong, for example, to a parent or guardian. Therefore a child can also make a subject access request for information held about them, however Footsteps (Bucks) Ltd will need to consider whether the child is mature enough to understand their rights. The child needs to be able to understand what it means to make a subject access request and how to interpret any information they receive. If a therapist is unsure about granting a subject access request to a child they will need to consider additional points which can be found at <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/subject-access-request/>

12.0 How can I request a copy of the data that is held?

You will already have access to any information you have provided us and are welcome to take a copy of the questionnaires prior to providing them. You will be provided with a copy of any reports that are written when they are completed. You will receive an email summary of any important conversations or treatment sessions. You will be typically be cc'd into any correspondence with other professionals.

If you wish to request further data, requests can be made to footstepsot@gmail.com. Requests must contain an original signature from the child's legal guardian (typically the adult providing consent for services). The ICO gives guidance on how to make a request <https://ico.org.uk/for-the-public/personal-information/>.

13.0 What if I have concerns about how my information is stored or managed?

You have the right to report any concerns to the Information Commissioners Office (IOC). For further information please see their website <https://ico.org.uk/concerns/>.

Our IOC registration number is: **ZA320602**

Further information about data protection legislation and your rights is available from the Information Commissioner's Office or by calling 0303 123 1113, 9am to 5pm, Monday to Friday.

14.0 References

Records Management Code of Practice for Health and Social Care 2016. [<https://digital.nhs.uk/records-management-code-of-practice-for-health-and-social-care-2016> Accessed 23 March 18]

College of Occupational Therapists Keeping Records Guidance 2017. [<https://www.rcot.co.uk/practice-resources/rcot-publications/downloads/keeping-records> Accessed 23/3/18 only available to members]

Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children March 2015. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf Accessed 25 April 18]

Information Sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers March 15. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf Accessed 25 April 18]

Information Commissioners Office <https://ico.org.uk>

Health Professional Council Standards of Conduct, Performance, and Ethics Jan 2016. [<https://www.hcpc-uk.org/assets/documents/10004EDFStandardsofconduct,performanceandethics.pdf> Accessed 1 May 18]

IOC Guidance - Right to eraser [<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>]

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For any questions related to this statement please contact Sheena directly via email at footstepsot@gmail.com.