



# GDPR Privacy Notice for Counselling Services

Created on 09/07/2023 by Natalie Power & Michaela Borg

## Introduction

Your privacy is very important to Nayla Counselling, and you can be confident that your personal information will be kept safe and secure and will only be used for the purpose it was given to me.

Nayla Counselling adheres to current data protection legislation, including the General Data Protection Regulation (EU/2016/679) (the GDPR), the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. We also adhere to the ethical guidelines regarding protecting client privacy and confidentiality set by the British Association for Counselling and Psychotherapy (BACP).

This privacy notice tells you what Nayla Counselling will do with your personal information from initial point of contact through to after your therapy has ended, including:

- Why we can process your information and for what purposes
- Whether you must provide it to Nayla Counselling
- How long Nayla Counselling stores it for
- Whether there are other recipients of your personal information
- Your data protection rights

Nayla Counselling is happy to talk through any questions you might have about our data protection policy, and you can contact us via email or phone:

Email [borgcounselling@gmail.com](mailto:borgcounselling@gmail.com) / [nataliepowercounselling@gmail.com](mailto:nataliepowercounselling@gmail.com)

Phone 07714 037 007 / 07300 804 088

Our counselling practice sits within a company named Nayla Counselling Academy & Therapeutic Services Limited (hereafter referred to as Nayla Counselling). There are two directors in Nayla Counselling: Natalie Power and Michaela Borg.

Nayla Counselling is registered as a data controller with the Information Commissioner's Office, ICO (ICO registered number ZB565358).

Nayla Counselling is a registered company in England and Wales (company number 14930580).

The full registered name of the company is:

Nayla Counselling Academy & Therapeutic Services Limited.

The registered address of the company is:

Bryn Teg, Clip Terfyn, Llanddulas, Abergele LL22 8EH.

Our contact information is:

Michaela Borg 07714 037 007 / [borgcounselling@gmail.com](mailto:borgcounselling@gmail.com)

Natalie Power 07300 804 088 / [nataliepowercounselling@gmail.com](mailto:nataliepowercounselling@gmail.com)

## The lawful basis for holding and using your personal information

The GDPR states that Nayla Counselling must have a lawful basis for processing your personal data. There are different lawful bases depending on the stage at which we are processing your data. These are explained below.

If you have had therapy with Nayla Counselling and it has now ended, we will use legitimate interest as our lawful basis for holding and using your personal information.

If you are currently receiving therapy or if you are in contact with us to consider therapy, Nayla Counselling will process your personal data where it is necessary for the performance of our contract.

The GDPR also makes sure that we look after any sensitive personal information that you may disclose to us appropriately. This type of information is called 'special category personal information'. The lawful basis for Nayla Counselling processing any special categories of personal information is that it is for provision of health treatment (in this case counselling) and necessary for a contract with a health professional (in this case, a contract between you and Nayla Counselling). If you choose to share sensitive personal information with us during therapy, e.g., about your sexual orientation, religion or cultural background, this will not be included in written notes as we don't have to maintain notes on everything you share with us.

## How your information is used

### **Initial contact.**

When you contact Nayla Counselling with an enquiry about our counselling services, we will collect information to help me satisfy your enquiry. This consists primarily of your contact details. Alternatively, your GP or other health professional may send your details when making a referral or a trusted individual may give us your details when making an enquiry on your behalf. If you decide not to proceed with counselling after an initial conversation, then we will ensure all your personal data is deleted within 10 days of the conversation. If you would like us to delete this information sooner, just let us know.

### **While you are accessing counselling.**

Confidentiality is essential for the effectiveness of a counselling relationship. As a member of the BACP, we abide by the Ethical Framework of that professional organisation. This means that what you discuss in assessment and in counselling sessions whether with Natalie or Michaela, is confidential to you and your counsellor. There are some exceptional circumstances in which a breach of confidentiality may be required, such as when the welfare and safety of yourself or others is at serious risk or if the law requires. These exceptions are:

- If you disclose involvement in, or information about acts of terrorism, money laundering or drug-trafficking offences.
- If you disclose risk of harm to yourself or others which includes safeguarding concerns about a vulnerable person or child.
- If your counsellor is ordered to release information by a judge or coroner.
- If your counsellor believes there is serious risk of harm to yourself or others.

Your counsellor will always try to speak to you about this first, unless there are safeguarding or legal issues that prevent this.

Your counsellor will keep a record of your personal details to help the counselling run smoothly. These details are kept securely on a password-protected laptop with anti-virus software and using password-protected Wi-Fi and are not shared with any third party. In addition to your contact information, your counsellor will also ask you for a contact person in the case of an emergency. This might be a family member, friend or your GP and they would only be contacted with your permission.

Your counsellor will keep brief written notes of each session, these are anonymised and kept securely on a password-protected laptop with anti-virus software and using password-protected Wi-Fi. They are not shared with any third party unless legally required to do so.

For security reasons, your counsellor does not retain text messages for more than 14 days. If there is relevant information contained in a text message, this will be copied and kept electronically with your notes. Likewise, any email correspondence will be deleted after 14 days if it is not important. If necessary, any important elements will be copied and saved with your personal details. Your counsellor will speak to you about this in the counselling session.

### **After counselling has ended.**

There are reasons why counsellors are required to keep records after therapy has ended. For example, in the case of financial transactions personal information must be retained for as long as legally required in respect of tax or accounting purposes.

Retaining your therapy notes ensures that your counsellor can continue to offer you an efficient service if you make contact after therapy has ended. Your therapy notes do not include any personal details that could be used to identify you and continue to be stored securely on a password-protected laptop that only your counsellor has access to for 5 years after therapy has ended. This time frame adheres with current industry guidelines, i.e., it is a requirement of the professional body, BACP, to hold notes for a minimum of 3 years in case of a complaint and of the insurance company to hold them for a minimum of 5 years. Accordingly, after 5 years, all documents relating to your therapy and contact information will be destroyed.

### **Third party recipients of personal data**

As part of a commitment to providing a professional service, your counsellor attends supervision regularly to reflect on their working practice with clients. This is bound by a confidentiality contract and to protect your identity, your counsellor will only use your first name if your counselling is discussed.

### **Your rights**

At Nayla Counselling, we try to be as open as we can be in terms of giving people access to their personal information. You have a right to ask your counsellor to delete your personal information (under the Right to Erasure), to limit how your personal information is used, or to stop processing your personal information. You also have a right to ask for a copy of any information that is held about you and to object to the use of your personal data in some circumstances. You can read more about your rights at <https://ico.org.uk/for-the-public/>

Your counsellor may also have the right to refuse to comply with your request, for example, to defend in a claim or to comply with insurance terms and conditions. Your counsellor will respond to your written request within one month of receiving it.

If Nayla Counselling does hold information about you, we will:

- provide a description of it and where it came from;
- tell you why this is held, tell you how long it will be stored and how this decision was made;

- tell you who it could be disclosed to;
- let you have a copy of the information in an intelligible form.

You can also ask your counsellor at any time to correct any mistakes there may be in the personal information held about you. To make a request for any personal information held about you, please put the request in writing addressing it to your counsellor:

Nat Power: [nataliepowercounselling@gmail.com](mailto:nataliepowercounselling@gmail.com)

Michaela Borg: [borgcounselling@gmail.com](mailto:borgcounselling@gmail.com)

If you have any complaints about how your personal data is handled, please do not hesitate to get in touch by writing or emailing the contact details given above. We would welcome any suggestions for improving data protection procedures.

If having spoken to your counsellor first, you still want to make a formal complaint about the way we have processed your personal information you can contact the ICO which is the statutory body that oversees data protection law in the UK. For more information go to <https://ico.org.uk/make-a-complaint>

## Data security

Nalya Counselling takes the security of the data held about you very seriously and as such we take every effort to make sure it is kept secure. We take reasonable steps to protect personally identifiable information from loss, misuse, and unauthorised access, disclosure, alteration, or destruction.

All devices are password protected, with strong passwords that are all different from each other. Devices and passwords are not shared with anyone.

Your counsellor will keep handwritten or printed information about you to an absolute minimum to protect your data. We do not print or keep duplicate information wherever this can be prevented.

Personal information is stored electronically on a laptop that is password protected and only accessible by your counsellor. Names and contact details are stored separately from additional personal information (anonymised format). The WiFi is also secure.

Mobile phones are dedicated work devices that are locked and only used by your counsellor. No therapeutic information will be held on the mobile, only your initials and phone number while your counsellor is working with you. This will be deleted from the phone memory within 10 days of your last session.

Information is stored physically using paper records held securely in locked storage in an anonymised form. These records are also only accessible to your counsellor.

Personal or sensitive information is not stored on any external hard drive or memory stick.

Your counsellor uses a password protected Gmail account which provides encrypted emails to ensure that a third-party cannot tamper with emails sent between us. Please see Google's GDPR compliant security measures: [https://privacy.google.com/businesses/compliance/#?modal\\_active=none](https://privacy.google.com/businesses/compliance/#?modal_active=none)

Whereby is used for online counselling. This platform uses encrypted and secure connections. The service will not hold your data; your counsellor will send you a link to

access the online room shortly before your session. You can find their privacy notices at: <https://whereby.com/information/gdpr/>

### **Additional information**

You may have found details about my counselling services and contacted me through a professional register. If so, then they will temporarily hold your details before relaying them to me. Each website will have their own Privacy Notice, as listed below:

- BACP Register of Counsellors and Psychotherapists: [privacy notice](#)
- Counselling Directory: [privacy notice](#)