

# Privacy notice

## Just Be Acupuncture

### 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 we have to give you even more information than we do now about the way in which we use, share and store your personal information.

This privacy notice provides information on the data we hold on you and the legal basis on which we are using it.

### Who are we?

Rebecca Evans is the data controller for Just Be Acupuncture. This means we decide how your personal data is processed and for what purposes.

### Whose information does this privacy notice apply to?

This privacy notice applies to information we collect from:

- patients;
- prospective patients;
- former patients;
- 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 we 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, and 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 we may hold about you include your patient notes.

## How do we process your personal data?

We comply with our obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining 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. We use your personal data for the purposes set out below.

### **Sections 1 – 15 apply to our patients, prospective patients, former patients and visitors to our clinic**

1. We use your name, address, telephone number and email address to make and rearrange appointments. We are unable to send or receive encrypted emails so you should be aware that any emails we send or receive may not be protected in transit. We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send us is within the bounds of the law.
2. We do not send any Marketing Materials using the details that you have provided.
3. Some patients and prospective patients tell us about their medical conditions and medication by email or online enquiry forms. We are unable to send or receive encrypted emails so you should be aware that any emails we send or receive may not be protected in transit. We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send us is within the bounds of the law.
4. We keep an attendance register which records all appointments for patients attending our clinic to keep a record of when you were treated to secure potential evidence in the event of a criminal prosecution, civil litigation, insurance claim or complaint to my regulatory body, the ATCM.
5. We use your presenting complaint and symptoms reported by you and any relevant medical and family history you have provided, for the purposes of making a full traditional diagnosis, formulating treatment strategy and treatment planning.
6. We use your GP's name and address in the event that we need to contact your GP including in an emergency and because it is a requirement by The ATCM governing body
7. We keep a record of and refer to that record of any treatment given and details of progress of your case, including reviews of treatment planning to enable us to: review the full traditional diagnosis, treatment strategy and planning; and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.

8. In the event of an adverse incident occurring to any of our patients we report the matter to The ATCM and the our insurance company (Balens) to enable the insurance company to deal with any potential claims.
9. We maintain records of the patient's consent to treatment and associated medical conditions notified at this stage of the treatment.

### **Section 16 applies to those who complain about our services**

10. When we receive a complaint from a person we 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.

We will only use the personal information we collect to process the complaint and to check on the level of service we provide. We 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, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis. We may need to provide personal information collected and processed in relation to complaints to the ATCM or our insurance company.

We 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 us we 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 we provide.

### **Sections 17 – 19 apply to our website**

11. When someone visits our website we use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of the site. This information is only processed in a way which does not identify anyone. We do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website. If we do want to collect personally identifiable information through our website, we will be up front about this. We will make it clear when we collect personal information and will explain what we intend to do with it.
12. Our website and contact form are provided through WIX. Information provided through the form will only be used to contact customers regarding that specific enquiry and to make an appointment if appropriate. Contact forms are directed to a 'Just Be Acupuncture' email account which is cleared down on a monthly basis.

### **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 we are 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 a children or vulnerable adults; or
- with my regulatory body, the ATCM, or my insurance company (Balens) in the event of a complaint or insurance claim being brought against me; or
- my solicitor in the event of any investigation or legal proceedings being brought against me.

## How long do we keep your personal data?

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

We keep patient records for a period of 7 years in accordance with the ATCM regulatory body guidelines

- Emails will be destroyed once they are read and responded to, unless they contain information relevant to treatment, in which case they will be printed and placed in your file.
- Telephone numbers will be deleted from electronic devices once you have agreed to terminate treatment.
- Treatment details and outcomes will be stored for a seven years for legal reasons and for the purpose of insurance claims.

All personal data will be stored in paper files and not electronically. At the end of the seven year period all files will be shredded.

If I were to become ill or die whilst storing your data I will nominate a colleague to destroy the data on my behalf.

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 we hold about you.
- The right to request that we 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 us to retain such data.
- The right to withdraw your consent to the processing at any time. This right does not apply where we are processing information using a lawful purpose other than consent.

- The right to request that we 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 the we are 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. We 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 we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we 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, we 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, Rebecca Evans at Just Be Acupuncture, [www.justbeacupuncture.co.uk](http://www.justbeacupuncture.co.uk) / 07958 668816

You can 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