

# **Data Protection and GDPR Policy** incorporating GDPR **Privacy Notice for Counselling Clients and the Data Retention Schedule & Record of Processing Activities (ROPA)**

## **Callander Child & Youth Counselling**

**Counsellor Name:** \_\_\_\_\_R Douglas Pearson\_\_\_\_\_

**Professional Registration:** \_\_\_\_\_BACP\_\_\_\_\_

**Business Structure:** Sole Trade

**Policy Review Date:** \_\_\_\_\_

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### **1. Policy Statement**

This counselling practice is committed to protecting the privacy, confidentiality, and personal data of all clients.

Personal information is processed in accordance with:

- **UK General Data Protection Regulation (UK GDPR)**
- **Data Protection Act 2018**
- Relevant Scottish safeguarding legislation and guidance.

As a sole trader counselling service, the counsellor acts as the Data Controller responsible for determining how personal data is collected, stored, and used.

All personal information is handled lawfully, fairly, and transparently, ensuring that the rights of children, young people, and parents/carers are protected.

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### **2. Legal Framework**

This policy is informed by the following legislation and guidance:

- **UK General Data Protection Regulation (UK GDPR)**
  - **Data Protection Act 2018**
  - **Privacy and Electronic Communications Regulations (PECR) 2003**
  - **Children (Scotland) Act 1995**
  - **Children and Young People (Scotland) Act 2014**
  - **Age of Legal Capacity (Scotland) Act 1991**
  - **National Guidance for Child Protection in Scotland (2021)**
  - **UN Convention on the Rights of the Child (UNCRC)**
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### **3. Principles of Data Protection**

Personal data will be processed in accordance with the seven principles of UK GDPR:

1. **Lawfulness, fairness and transparency**  
Personal data will only be collected and processed where there is a lawful basis.
  2. **Purpose limitation**  
Data will only be used for counselling and related administrative purposes.
  3. **Data minimisation**  
Only the minimum necessary information will be collected.
  4. **Accuracy**  
Personal data will be kept accurate and updated where necessary.
  5. **Storage limitation**  
Information will only be retained for as long as necessary.
  6. **Integrity and confidentiality**  
Personal data will be stored securely and protected from unauthorised access.
  7. **Accountability**  
The counsellor will maintain appropriate documentation and processes to demonstrate compliance.
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#### **4. Types of Data Collected**

The counselling practice may collect the following personal information:

##### **Client Information**

- Name
- Date of birth
- Address
- Contact details
- Parent or guardian details
- Emergency contact information

##### **Counselling Records**

- Session notes
- Assessment information
- Referral information

##### **Special Category Data**

Counselling records may contain sensitive personal data relating to:

- mental health
- emotional wellbeing
- family circumstances

This data is classified as Special Category Data under Article 9 UK GDPR and receives additional protection.

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## **5. Lawful Basis for Processing Data**

Personal data is processed under the following lawful bases:

### **Article 6 UK GDPR**

- **Consent** – provided by the client or parent/guardian
- **Legitimate Interests** – to provide safe counselling services

### **Article 9 UK GDPR (Special Category Data)**

- **Provision of health or social care**
  - **Safeguarding of children and vulnerable persons**
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## **6. Consent**

Where counselling is provided to a child or young person:

- Parental or guardian consent will normally be obtained
- The young person's capacity to consent will be considered in accordance with the Age of Legal Capacity (Scotland) Act 1991

Young people aged under 16 may consent to medical or counselling services if they have sufficient maturity and understanding.

Consent may be withdrawn at any time.

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## **7. Confidentiality**

All counselling services operate within a framework of confidentiality.

Information shared in counselling sessions will not normally be shared with others without consent.

However, confidentiality may be breached if:

- there is a risk of harm to the young person
- there is a risk of harm to another person
- there are child protection concerns
- disclosure is required by law or court order

In these circumstances information may be shared with:

- Local Authority Social Work Services
- Police Scotland
- relevant health or education professionals

This is consistent with National Guidance for Child Protection in Scotland (2021).

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## **8. Storage and Security of Data**

The counselling practice takes appropriate measures to protect personal data.

These may include:

- password protected electronic devices
- encrypted digital records where possible
- secure cloud storage compliant with UK GDPR
- locked storage for any paper records
- restricted access to records

As a sole practitioner, only the counsellor will have access to counselling records.

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## **9. Data Retention**

Client records will be retained only for as long as necessary.

Typical retention periods for counselling records follow professional guidance:

- 7 years after the final counselling session
- For children and young people: until the client reaches age 25 (or 26 in Scotland depending on guidance)

After this period records will be securely destroyed.

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## **10. Data Sharing**

Personal data will not be shared with third parties unless:

- consent has been provided
- safeguarding concerns arise
- disclosure is required by law

Where data is shared, only the minimum necessary information will be disclosed.

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## **11. Online Counselling and Digital Communication**

Where online counselling is provided:

- secure platforms will be used
- reasonable steps will be taken to ensure privacy
- personal data transmitted electronically will be protected

Email communication may be used for administrative purposes but is not guaranteed to be fully secure.

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## **12. Data Breaches**

A **data breach** occurs when personal data is lost, accessed, or disclosed without authorisation.

If a data breach occurs, the counsellor will:

1. Assess the risk to individuals
  2. Take immediate steps to contain the breach
  3. Record the incident
  4. Notify the Information Commissioner's Office (ICO) if required under UK GDPR
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## **13. Individual Rights**

Under UK GDPR individuals have the right to:

- be informed about how their data is used
- access their personal data
- request correction of inaccurate information
- request deletion of data where appropriate
- restrict processing of data
- object to processing
- lodge a complaint with the Information Commissioner's Office (ICO)

Requests should be made in writing.

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## **14. Complaints**

If concerns arise about how personal data is handled, individuals may contact the counsellor directly.

Complaints may also be raised with:

### **Information Commissioner's Office (ICO)**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk)

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## **15. Policy Review**

This policy will be reviewed annually or sooner if:

- legislation changes
  - guidance from the ICO is updated
  - counselling practices change
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**Counsellor Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **GDPR Privacy Notice for Counselling Clients**

**Practice Name:** \_\_\_\_\_

**Counsellor / Data Controller:** \_\_\_\_\_

**Practice Address:** \_\_\_\_\_

**Contact Email:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Date of Notice:** \_\_\_\_\_

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## **1. Introduction**

This Privacy Notice explains how personal information is collected, used, stored, and protected when you or your child access counselling services.

This counselling practice is committed to protecting personal data in accordance with:

- **UK General Data Protection Regulation (UK GDPR)**
- **Data Protection Act 2018**

The counsellor operates as the Data Controller, meaning they are responsible for how personal data is processed.

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## **2. What Personal Data Is Collected**

The following personal information may be collected in order to provide counselling services.

### **Client Information**

- Name
- Date of birth
- Address
- Contact details
- Parent or guardian details (where applicable)
- Emergency contact details

### **Counselling Records**

- Session notes
- assessment information
- referral information

### **Special Category Data**

Counselling records may include sensitive personal information relating to:

- mental health
- emotional wellbeing
- family circumstances
- safeguarding concerns

This is classed as Special Category Data under Article 9 UK GDPR and receives additional protection.

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### **3. How Personal Data Is Collected**

Information may be collected:

- directly from clients or parents/carers
- through referral forms
- during counselling sessions
- through email or telephone communication

Only information necessary for providing counselling services will be collected.

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### **4. Lawful Basis for Processing Personal Data**

Personal data is processed under the following lawful bases under Article 6 UK GDPR:

- **Consent** – provided by the client or parent/guardian
- **Legitimate interests** – to provide safe and effective counselling services

Where sensitive data is processed, this falls under Article 9 UK GDPR, including:

- provision of health or social care
  - safeguarding of children and vulnerable persons
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### **5. Consent and Young People**

Where counselling is provided to a child or young person, consent arrangements follow the Age of Legal Capacity (Scotland) Act 1991.

Young people under 16 may consent to counselling where they demonstrate sufficient understanding and maturity.

Where appropriate, parental or guardian consent may also be obtained.

Consent can be withdrawn at any time.

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### **6. Confidentiality and Safeguarding**

Counselling sessions are confidential in order to create a safe environment for young people to talk openly.

However, confidentiality cannot be guaranteed if:

- a young person is believed to be at risk of harm
- another person may be at risk of harm
- there are child protection concerns
- disclosure is required by law or court order

In these circumstances information may be shared with relevant safeguarding agencies, including:

- Local Authority Social Work Services
- Police Scotland
- relevant health or education professionals

This is consistent with National Guidance for Child Protection in Scotland (2021).

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## **7. How Personal Data Is Stored**

Personal data is stored securely using appropriate safeguards.

These may include:

- password protected electronic devices
- secure digital storage
- encrypted files where possible
- locked storage for any paper records

Access to personal data is restricted to the counsellor.

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## **8. How Long Information Is Kept**

Records are retained only for as long as necessary for professional and legal purposes.

Typical retention periods for counselling records are:

- 7 years after the last counselling session
- For children and young people: until the client reaches age 25

After this period records will be securely destroyed.

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## **9. Sharing Personal Data**

Personal data will not normally be shared with third parties without consent.

Information may be shared where:

- safeguarding concerns arise
- disclosure is required by law
- professional supervision requires anonymised discussion

Only the minimum necessary information will be shared.

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## **10. Online Counselling and Communication**

Where online counselling or electronic communication is used:

- secure platforms will be used where possible

- reasonable steps will be taken to protect privacy
  - email is used for administrative purposes only and may not be fully secure
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## **11. Your Data Protection Rights**

Under UK GDPR, individuals have the right to:

- be informed about how their data is used
- access their personal data
- request correction of inaccurate data
- request deletion of data where appropriate
- restrict how data is processed
- object to data processing
- lodge a complaint with the Information Commissioner's Office (ICO)

Requests should be made in writing.

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## **12. Complaints**

If you have concerns about how personal data is handled, please contact the counsellor in the first instance.

You also have the right to complain to the:

### **Information Commissioner's Office (ICO)**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Website: **[www.ico.org.uk](http://www.ico.org.uk)**

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## **13. Updates to This Privacy Notice**

This Privacy Notice will be reviewed regularly to ensure it reflects current legal requirements and professional practice.

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**Counsellor Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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## **Data Retention Schedule & Record of Processing Activities (ROPA)**

**Counsellor Name:** \_\_\_\_\_

**Data Controller:** \_\_\_\_\_

**Business Type:** Sole Trader Counselling Service

**Service Area:** Central Scotland

**Policy Review Date:** \_\_\_\_\_

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### **1. Purpose of This Document**

This document records how personal data is processed within the counselling practice and how long information is retained.

Maintaining this record demonstrates compliance with:

- **Article 30 UK GDPR – Record of Processing Activities**
- **Accountability Principle under UK GDPR**

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## 2. Data Retention Schedule

<b>Data Type</b>	<b>Purpose</b>	<b>Lawful Basis</b>	<b>Retention Period</b>	<b>Disposal Method</b>
Client Contact Information (name, address, phone, email)	Client identification and communication	Article 6(1)(b) Contract / Legitimate Interest	7 years after last session (or until age 25 for minors)	Secure deletion or shredding
Parent / Guardian Details	Safeguarding and contact purposes	Article 6(1)(c) Legal obligation / Article 6(1)(f) Legitimate interest	Until client reaches age 25	Secure deletion
Counselling Session Notes	Professional record of counselling support	Article 9(2)(h) Health or social care	Until client reaches age 25	Secure destruction
Safeguarding Records	Child protection obligations	Article 6(1)(c) Legal obligation	Until client reaches age 25 or longer if required	Secure destruction
Referral Information	Service delivery	Legitimate interest	7 years after final session	Secure deletion
Consent Forms	Proof of consent for counselling services	Consent	7 years after final session	Secure destruction
Financial Records / Invoices	Accounting and HMRC requirements	Legal obligation	6 years after financial year end	Secure deletion or shredding
Email Communication	Administrative communication	Legitimate interest	Reviewed annually and deleted where no longer required	Secure deletion

Retention periods reflect **professional practice guidance for counselling services involving children and young people.**

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## 3. Record of Processing Activities (ROPA)

### Data Controller

**Name:** \_\_\_\_\_

**Business:** Sole Trader Counselling Practice

**Contact Email:** \_\_\_\_\_

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## **Categories of Data Subjects**

The counselling practice may process personal data relating to:

- young people receiving counselling services
  - parents or legal guardians
  - referral professionals (where applicable)
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## **Categories of Personal Data**

Personal data processed may include:

- names
- date of birth
- contact details
- emergency contact details
- counselling session notes
- referral information
- safeguarding records

This may include Special Category Data under Article 9 UK GDPR, particularly:

- mental health information
  - emotional wellbeing
  - safeguarding concerns
- 

## **Purpose of Processing**

Personal data is processed for the following purposes:

- provision of counselling services
  - safeguarding of children and young people
  - communication with clients and parents/carers
  - maintaining professional counselling records
  - financial administration
- 

## **Lawful Basis for Processing**

Personal data is processed under:

### **Article 6 UK GDPR**

- Consent
- Legitimate Interests
- Legal Obligation

### **Article 9 UK GDPR (Special Category Data)**

- Provision of health or social care
  - Safeguarding of children and vulnerable persons
- 

### **Data Sharing**

Personal data will not normally be shared with third parties unless required.

Information may be shared with:

- **Local Authority Social Work Services**
- **Police Scotland**
- **Health professionals**
- **Education professionals**

Sharing will occur only where:

- safeguarding concerns arise
  - disclosure is required by law
  - necessary to protect a child or another person
- 

### **Data Security Measures**

Appropriate technical and organisational measures are used to protect personal data including:

- password protected electronic devices
- secure storage of digital records
- encryption where available
- locked storage for paper records
- restricted access to records

As a sole practitioner, only the counsellor has access to client records.

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### **Data Transfers**

Personal data will normally be stored within the United Kingdom.

If cloud services are used, they will be selected to ensure compliance with UK GDPR data protection standards.

No routine international data transfers occur.

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### **Data Breach Procedure**

In the event of a personal data breach:

1. The breach will be assessed immediately.
  2. Steps will be taken to contain the breach.
  3. The incident will be recorded.
  4. The Information Commissioner's Office (ICO) will be notified where required.
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### **4. Review and Monitoring**

This document will be reviewed:

- annually
  - when services change
  - when legislation or ICO guidance is updated
- 

**Data Controller Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_