

Privacy and Retention Notice

Next Chapter Arts CIC takes privacy and confidentiality very seriously. Personal information is held strictly in accordance with the General Data Protection Regulations (GDPR).

Next Chapter Arts CIC is required by law to tell you about your rights and explain clearly how we collect, store and use any of the personal data you have given us or which we have collected.

Next Chapter Arts CIC Data Controller:

Dawn Boulton
07528713208
dawn@nextchapterarts.co.uk

Information we collect

Most of the data we collect will come directly from the clients (you or your child) and their families. Some information will be shared by other organisations such as school and teaching staff, local authorities, the Department for Education, Social Care and health professionals.

This information may include:

- Contact details, contact preferences, date of birth, identification documents
- Referral information
- Safeguarding information
- Risk assessments
- test results
- attendance records
- characteristics, like your ethnic background or any special educational needs
- medical conditions you have
- Family history
- Details of any behaviour or emotional well-being issues or exclusions

Why we use this data

We use this data to:

- Provide effective therapy and support for clients, their families and others working with them
- Monitor, evaluate and track progress
- Safeguard our clients
- Assess the quality of services
- Comply with the law regarding data collection and sharing
- Ensure safer recruitment
- Ensure continued professional development
- Good practice, streamlined processing for commissioning services

The legal basis of using your data

We only collect and use clients' personal data when the law allows us to. Most commonly, we process it where:

- we need to comply with a legal obligation
- we need it to perform an official task in the public interest

Sometimes, we may also process a clients' personal data in situations where:

- we have obtained consent to use it in a certain way
- we need to protect the individual's vital interests (or someone else's interests)

Some of the reasons listed above for collecting and using clients' personal data overlap, and there may be several grounds, which justify our use of this data.

Withdrawing consent

Where we have obtained consent to use clients' personal data, this consent can be withdrawn at any time.

Consent can be withdrawn in writing and/or by contacting your therapist directly and/or contacting Dawn Boulton, Data Controller.

Storing data

Information provided to Next Chapter Arts CIC is held with the art therapist in files within secure premises, in locked filing cabinets and/or held electronically in a secure manner.

When art therapy ends clients' summary records will be kept securely for **six years** after completion of art psychotherapy. However, this time limit is extended for children to **six years after their eighteenth birthday** or for people who have no capacity to take an action within the timeframe (severe mental health problems, etc.).

After this time personal data must be disposed of in a way that protects the rights and privacy of data subjects (e.g., shredding, disposal as confidential waste, secure electronic deletion).

Artwork

Images left by clients after art therapy ends do not need to be stored or kept by the art therapist or the organisation – this is because images produced in art therapy do not have a definite and fixed meaning and cannot be an admissible item of evidence in court. When the art therapy ends, the artworks that clients do not wish to keep themselves can be disposed of in the same way as any confidential material (shredding, etc.).

Data sharing

We only share personal information about clients with their consent and on a "need to know" basis, observing strict procedures when doing so.

Where it is legally required, or necessary (and it complies with data protection law) the therapist may share personal information about clients with:

- *Clinical supervisor*
- *Professional team we work within*
- *The local authority – such as safeguarding concerns*
- *The clients' school*
- *The client's family and representatives*
- *Commissioners*
- *Police forces, courts, tribunals*
- *Others who have been agreed*

Where we provide information for statistical purposes, the information is provided anonymously so that there is no privacy risk involved in its use.

Your rights regarding personal data

You have a right to request access to your personal data (commonly known as '**data subject access request**') This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

Parents/guardians can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

If you make a subject access request we will:

- Verify your identity
- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form if this is seen to be the best course of action

You have the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Have personal information transmitted electronically to another organisation in certain circumstances.
- Prevent personal information being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- have inaccurate personal data corrected deleted or destroyed, or restrict processing - in certain circumstances.
- Claim compensation for damages caused by a breach of the data protection regulations

Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong.

1. If you have any concerns about Next Chapter Arts CIC data processing, please raise this with your art therapist in the first instance.
2. You can contact Dawn Boulton our data protection officer at Next Chapter Arts CIC she will be happy to discuss any issues.
3. You can make a complaint to the Information Commissioner's Office:
Report a concern online at <https://ico.org.uk/concerns/>
Call 0303 123 1113
Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact

Dawn Boulton
07528713208
dawn@nextchapterarts.co.uk

This document is written with regard to and guidance from: BAAT Advice on storing and keeping artworks & clinical notes after the end of art therapy 2018, NSPCC Child protection records retention storage guidelines 2018, ICO & EU GDPR –2018, The Department for Educations Privacy notice, <https://www.ncvo.org.uk/practical-support/information/data-protection>