



DATA PROTECTION POLICY FOR THE SPEECH DEN

When you use The Speech Den you trust us with your information. This privacy policy is meant to help you understand what data we collect, why we collect it, and what we do with it. We have tried to make it as simple as possible but if you have any questions please contact us.

Cathy Shilling, Director of the Speech Den, assumes the function of data controller and supervises the compliance with General Data Protection Regulation (GDPR) within the business.

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1. Information we collect

The Speech Den holds personal data as part of conducting a professional service. The data is stored under the following headings: healthcare records, educational records, clinical records, general administrative records, and financial records.

1.1. Healthcare records

A healthcare record refers to all information collected, processed and held both in manual and electronic formats pertaining to the service user and their care. Speech and language problems can be complex, and a wide range of information may be collected in order to best meet the needs of the client, and to maintain a high quality service which meets best practice requirements. In order to provide a high quality service, a range of information may be collected.

Examples of data collected and held on all current and active clients include the following:

- Contact details: Name, address, phone numbers, e-mail address,
- Personal details: date of birth,
- Other contacts: name and contact details of GP and any other relevant healthcare professionals involved.

For child services:

- Parent/guardian details
- Description of family
- Educational placements.
- Pre- and post-natal history: This can include information relating to mother's pregnancy, and child's birth.
- Developmental data: developmental milestones, feeding history, audiology history.
- Medical details: such as any relevant illnesses, medications, and relevant family history. Reports from other relevant allied health professionals such as: Audiology, Psychology, CAMHS (Child & Adolescent Mental Health Services), Occupational therapy, Physiotherapy, Ophthalmology.

For adult services:

- Employment/vocational history
- Medical History
- Educational history
- Mental health

1.2. Educational records

Relevant Educational Plans, progress notes from educational staff and school reports may be held.

1.3. Clinical records

Specific data in relation to communication skills may be collected and held, such as assessment forms, reports, case notes, e-mails, text messages and transcripts of phone. Audio and video files may also be collected and stored.

1.4. General administrative records

The Speech Den may hold information regarding attendance reports and accident report forms.

1.5. Financial records

A financial record pertains to all financial information concerning the practice, e.g. invoices, receipts, information for Revenue. **The Speech Den** may hold data in relation to; bank details, receipts and invoices. Information will include name of bill payer, client name, address and record of invoices and payments made.

2. Where we get our information

Personal data will be provided by the client, or in the case of a child (under 16 years), their parent(s)/guardian(s). This information will be collected as part of a questionnaire and case history form prior to, or on the date of first contact.

Information may also be provided directly from relevant third parties such as schools, medical professionals and allied health professionals, with prior consent from the parent(s)/guardian(s).

3. How we use the information that we collect

We use the information we collect to provide assessment and therapy as per the relevant professional guidelines, as well as to maintain the general running of the business, such as running our diaries (electronic and paper) , keeping our accounts and updating you of any changes in policies or fees.

Information may also be used for research purposes, with the **written consent** of the client or parent/ guardian.

3.1. Data retention periods

The retention periods are the suggested time periods for which the records should be held based on the organisation's needs, legal and/or fiscal precedence or historical purposes. Following the retention deadline, all data will be destroyed under confidential means.

3.2. Client Records

3.2.1. Clinical Records

Currently, **The Speech Den** keeps both physical and electronic records of clinical data in order to provide a service.

- Clinical data is often stored in both paper and electronic formats.
- Clinical data is deleted/confidentially destroyed after the child reaches 25 years old adult records are destroyed 8 years after discharge.
- Clinical data used for research purposes, may be kept for longer .
- Video records/ voice recordings relating to client care/videoconferencing records may be recorded with consent, analysed and then destroyed. If written consent is provided to use recordings for training purposes, the client will have the option to withdraw consent at any time. Times scales for saving recordings outside of discharge period will be agreed in writing with the client /parent/carer and can be revoked at any point.

3.2.2. Financial Records

The Speech Den keeps electronic/paper records of financial data from those who use our services.

Section 886 of the Direct Tax Acts states that the Revenue Commissioners require records to be retained for a minimum period of six years after the completion of the transactions, acts or operations to which they relate. These requirements apply to manual and electronic records equally.

- Financial Data is kept for 6 years to adhere to Revenue guidelines.
- Financial Data (including non-payment of bills) can be given to Revenue at Revenue's request.

3.2.3. Contact Data

Contact Data is kept for 6 years to allow processing of Financial Data if required. (This may be retained for longer for safety, legal request, or child protection reasons.)

3.3. Exceptions

If under investigation or if litigation is likely, files must be held in original form indefinitely, otherwise files are held for the minimum periods set out above.

4. Information we share

We do not share personal information with companies, organisations and individuals outside *The Speech Den* unless one of the following circumstances apply:

4.1. With your consent:

We will only share your Personal Identifying Information (PII) to third parties when we have express written permission by letter or email to do so. We require opt-in consent for the sharing of any sensitive information.

Third parties may include: hospitals, GPs, other allied health professionals, educational professionals and facilities.

4.2. For legal reasons:

We will share personal information with companies or organisations outside of **The Speech Den** if disclosure of the information is reasonably necessary to:

- Meet any applicable law, regulation, legal process or enforceable governmental request.
- Meet the requirements of the Children First Act 2015.
- To protect against harm to the rights, property or safety of The Speech Den, our service users or the public as required or permitted by law.

4.3. To meet financial requirements:

The Speech Den also is required to share Financial data with Colin Thomas from Thomas and Company in order to comply with local tax laws. The Speech Den can provide details of Thomas and Company's own Data protection policy.

4.4. For processing by third parties/external processing

The following third parties are engaged for processing data:

Who	Type of data	Purpose
Administrative staff	Record keeping, typing, correspondence.	Updating records
Accountant	Financial	Processing financial accounts
Electronic booking/ storage systems	Contact	Contact details

4.4.1. Transfer of personal data outside the European Economic Area (EEA):

In certain instances, personal data may be transferred outside the EEA, e.g. to the US or other countries. This would be for specific purposes such as web-based appointment scheduling. In such instances, the Speech Den will use third parties which meet the privacy standards of GDPR.

Companies which The Speech Den uses are:

Name	Type of Data	Purpose
Dropbox	Client contact details. Basic client information, inputted by client directly.	Keeping electronic records, storing audio and video recordings

5. How and when we obtain consent

Prior to initial assessment or consultation, a link to the copy of the data protection policy will be provided to clients along with a client referral form which is the contract between the Speech Den and client. A consent form will need to be signed by the client prior to commencing the service. Copies of the signed consent forms and Speech Den referral form will be given to both parties.

Users will be directed to read the privacy statement and to tick to agree to the terms. Services cannot be initiated without consent (ticked) to our privacy policy.

Should a client wish to withdraw their consent for data to be processed, they can do so by contacting Cathy Shilling or Caroline Martin at The Speech Den.

6. How we protect your data

In accordance with the General Data Protection Regulation (GDPR), we will endeavour to protect your personal data in a number of ways:

6.1. By limiting the data that we collect in the first instance

All data collected by us will be collected solely for the purposes set out at 1 above and will be collected for specified, explicit and legitimate purposes. The data will not be processed any further in a manner that is incompatible with those purposes save in the special circumstances referred to in section 5.1. Furthermore, all data collected by us will be adequate, relevant and limited to what is necessary in relation to the purposes for which it is collected which include, the assessment, diagnosis and treatment of speech, language and communication disorders and auditory processing difficulties.

6.2. By transmitting the data in certain specified circumstances only

Data will only be share and transmitted, be it on paper, electronically or protected iCloud storage, only as is required, and as set out in section 3. Electronic data will not contain client identifiable information or will be sent via Egress, an encryption system.

6.3. By keeping only the data that is required

When it is required and by limiting its accessibility to any other third parties.

6.4. By disposing of/destroying the data once the individual has ceased receiving treatment

When the child reaches 25 years old or after the adult is 8 years of the completion of this treatment apart from the special categories of personal data as set out at 1.1 above. Where data is required to be held by us for longer than this period, we will put in place appropriate technical and organisational measures to ensure a level of security appropriate to the risk. These may include measures such as the encryption of electronic devices, pseudonymisation of personal data, and/or safe and secure storage facilities for paper/electronic records.

6.5. By retaining the data for only as long as is required

Which in this case is until the child reaches 25 years old or for adults 8 years post discharge except for circumstances in which retention of data is required in circumstances set out at part 1.1 above or in certain specific circumstances as set out at Article 23(1) of the GDPR.

6.6. By destroying the data securely and confidentially after the period of retention has elapsed.

This could include the use of confidential shredding facilities or, if requested by the individual, the return of personal records to the individual.

6.7. By ensuring that any personal data collected and retained is both accurate and up-to-date.

7. Protecting your Rights to Data

7.1. Adult clients

Adults have the right to request data held on them as per article 15 of GDPR. A request must be made in writing. Further information regarding accessing your personal data are available in the document 'Rights of Individuals under the General Data Protection Regulation', downloadable from: www.gdprandyou.ie

7.2. Children

For children under the age of 16, data access requests are made by their guardians. When a child turns 16, then they may make a request for their personal data. However, this is subject to adherence with the Children First Act.

8. Security

The Speech Den, as with most providers of healthcare services is aware of the need for privacy. As such, we aim to practice privacy by design as a default approach, and only obtain and retain the information needed to provide you with the best possible service.

All persons working in, and with **The Speech Den** are briefed on the proper management, storage and safekeeping of data.

All data used by **The Speech Den**, including personal data may be retained in any of the following formats:

1. Electronic Data
2. Physical Paper Files

The type of format for storing the data is decided based on the format the data exists in.

Where applicable, **The Speech Den** may convert physical files to electronic records to allow us to provide a better service to clients and avoid unnecessary storage of paper files. Paper files will be destroyed appropriately if information is stored electronically.

8.1. Data Security

The Speech Den understands that the personal data used in order to provide a service belongs to the individuals involved. The following outlines the steps which *The Speech Den* use to ensure that the data is kept safe.

8.1.1. Electronic Data

Each member of The Speech Den uses/may use a laptop, mobile phone or tablet. All devices are password protected to avoid inappropriate misuse of personal data. Your Speech and Language Therapist will confirm how data is stored with the client's/parent/carer's written consent.

- This system provider is aware of their requirements for GDPR compliance.
- All persons require a Log on and Password in order to access the records.

8.1.2. Physical Files

All physical data is located in your Speech and Language Therapist's office base. Your Speech and Language Therapist will advise you of where records are stored during your initial meeting.

- Only persons working for the The Speech Den have access to these records.
- These records are kept in a container secured with a lock and key.

8.2. Security Policy

8.2.1. **The Speech Den** understands that requirements for electronic and physical storage may change with time and the state of the art. As such, the data controller in The Speech Den reviews the electronic and physical storage options available to The Speech Den every 12 MONTHS.

8.2.2. All physical devices used by persons working in The Speech Den which may contain any identifiable information are enabled with loss theft tracking and remote wipe abilities.

8.2.3. All persons working in The Speech Den are aware and briefed on and refresh the requirements for good data hygiene every 12 months. This briefing compliance is monitored by the The Speech Den data controller and includes, but is not limited to:

- Awareness of client conversations in unsecure locations.
- Enabling auto-lock on devices when leaving them unattended, even within The Speech Den locations.
- Use of non-identifiable note taking options. (initials, not names).
- The awareness of The Speech Den procedure should a possible data breach occur, either through malicious (theft) or accident (loss) of devices or physical files.

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Data and Data Flow through the business:

Information is gathered and processed by the Speech and Language Therapists and Administrator of The SPEECH DEN. Cathy Shilling, Director of the Speech Den is also the ICO registered Data Controller for the business.

Data is gathered in order to fulfil the contract to the client of providing a SLT service, which includes assessment, diagnosis and intervention of the client's speech and language therapy needs. SLT is a profession regulated by the Health Care Professionals Council (HCPC), which allows SLTs to process sensitive personal data in order to fulfil their contract to the client.

Data item	Where occur / store?	How kept secure and maintain data protection?	Process for deletion of data?
1. Telephone calls	These occur in the SPEECH DEN office, car or private room	Telephone calls which involve discussing client personal data and information occur in the SPEECH DEN office, car or private room. They do not occur in public places where conversations could be overheard. If a client calls when the SLT is in a public area the SLT will advise the client of this.	<ul style="list-style-type: none"> - Messages received on the landline or mobile are deleted within 1 week. The information is taken and transferred into the clinical notes or a note made in the diary regarding action required.
2. Clinical paper based notes: Handwritten notes, goals, reports, programmes, assessments, case history, objectives, emails,	<ol style="list-style-type: none"> 1. Locked filing cabinet in SPEECH DEN office. 2. Minimal notes taken out on home/ school / clinic visits. 	<ol style="list-style-type: none"> 1 a) Cabinet is locked at all times when SPEECH DEN staff member is not in the office. b) the office is based at business owner's home, which is alarmed and doors locked when no one is at home. 2 a) Notes are always kept with the clinician and never left (e.g. in a locked car). b) the minimum of notes required for the visit are taken out. 	<ul style="list-style-type: none"> - Discharged clients notes are stored in a locked cabinet. - They are kept in bundles according to year they are disposed. - They are disposed of in a legally approved manner.
3. Photographs and video footage	Taken and stored on the SPEECH DEN camera, until return to the office, when they are downloaded and saved to an encrypted password protected Icloud storage system or USB stick.	Photos and videos are downloaded as soon as possible on return to the office (within 24 hours of the session), with photos/videos transferred to the password protected USB stick or iCloud storage system.	<ul style="list-style-type: none"> - Once data has been gained from the images and transferred into appropriate reports/programmes, the files are deleted. - Unless it is agreed with parents and consent gained to keep the recordings as a historical record of baseline abilities to refer back to. Then the digital records are deleted when the child is 25 years old.

<p>4. USB memory sticks</p>	<p>In locked filing cabinet in SPEECH DEN office.</p> <p>At times, the USB stick is taken out of the office to work on documents in between clinical visits</p>	<p>a) The memory sticks used are password protected to increase the security of the information that they hold.</p> <p>b) If when out of the office, work is carried out on a clinical document on a laptop, the password protected system is used, with only initials used within the document, and no personal identifying data included (e.g. dob, address, health or education facilities) on the documents.</p> <p>c) The systems are regularly backed up onto a storage device which is kept locked in the SPEECH DEN office filing cabinet.</p>	<p>- When clients are discharged, the digital copy of records is moved to a discharge folder on the back up storage drive. They are deleted from this folder when they reach 25 years old.</p>
<p>5. External storage drive: back up of client digital records, back up of invoices</p>	<p>In locked filing cabinet in SPEECH DEN office.</p>	<p>When not in use, it is kept locked in the filing cabinet. Used with the laptop which is password protected.</p>	<p>- Client digital records are deleted when the child reaches 25 years old.</p>
<p>6. Email correspondence</p>	<p>Emails can be accessed on the SPEECH DEN laptops, i-pads and smartphones.</p> <p>Emails are printed out and filed within the children's clinical notes.</p>	<p>a) The laptop, i-pad and smartphone are all password protected.</p> <p>b) If taken out of the office, they are kept with the clinician at all times.</p> <p>c) Only initials of clients are used within the email subject line and body of email, unless parents have used their child's full name within an email and/or expressed a preference for their name rather than initials to be used.</p> <p>d) Documents containing personal data which are emailed to others are typically in pdf format and password protected or encrypted. The password is sent via a different method to email (e.g. text, telephone). If a document requires others to edit it (e.g. parents to add comments to a report), it is either sent in word format and password protected or via Egress.</p>	<p>Emails (digital and printed versions) stored within the child's clinical notes are destroyed as part of the clinical notes – see point 3 above.</p> <p>Email contact details are deleted 6 months after a client has been discharged from the service.</p>
<p>7. Diary</p>	<p>Kept in the SPEECH DEN locked filing cabinet or with the clinician when out on SPEECH DEN business</p>	<p>Only first names and initial of surnames are used when making appointment entries within the diary:</p> <p>a) to maintain confidentiality when arranging visits with others they cannot see names within the diary.</p> <p>b) If it was mislaid, clients would not be identifiable from seeing the diary entries.</p>	<p>At the end of the year, the diary is kept in the locked cabinet in the SPEECH DEN office.</p> <p>Diaries are kept for two years before being destroyed.</p>

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