

# Privacy notice – Nexus NI

## INTRODUCTION

Nexus NI is the trading name of Northern Ireland Rape Crisis Association, a registered charity NIC102558 and registered with the Information Commissioners Office Z3266690.

The purpose of this notice is to give full information on what information we keep, what we will do with that information and the rights of individuals with regard to their personal information.

NIRCA (trading as Nexus NI) is the Data Controller and is legally responsible to ensure your personal information is kept safe and only uses that information in accordance with this notice.

If you have queries please contact Nexus NI by emailing [data@nexusni.org](mailto:data@nexusni.org).

The Data Protection Officer is Lynda Lindsay

## PRIVACY NOTICE FOR COUNSELLING & SUPPORT CLIENTS (16 years +)

To enable Nexus NI to offer clients counselling/support in a safe and professional manner we need to keep personal information on each client. Some of this information is of a sensitive nature.

This section refers only to clients aged 16+ who are deemed fit to give consent.

### TYPES OF PERSONAL DATA WE KEEP

- Information needed for admin purposes – name, address, date of birth and contact details
- GP information for safety information
- At your assessment appointment we will ask for information about your background and current situation. We will record information on your life story including your family background, health issues, employment and the type of abuse you suffered. This is to allow us to assess your suitability for counselling/support and aid in the counselling/support process
- We will keep brief notes on your counselling/support sessions. This is best practice to allow your counsellor to remember what was discussed, other areas to be explored and concerns raised.
- We use an evaluation system to ensure that we look after your mental health by reviewing your wellbeing on a regular basis by using a questionnaire.
- We will keep equality information for legal reasons i.e. your gender, religion
- We will ask for a safety contact in case we are concerned about your wellbeing.
- 3<sup>rd</sup> party information i.e. from your referring organisation, GP or health professional

### REASON FOR KEEPING THAT INFORMATION AND THE LEGAL BASIS

INFORMATION	LEGAL PURPOSE	CONSENT
Admin Information Name, address, date of birth and contact details	Legitimate interest	At referral by phone or email.
GP information	Public interest in the event that the client is deemed to be at risk of harm	At referral by phone or email
Client History including health and abuse details (sensitive information)	Consent of client.	At the start of the assessment interview consent will be explained and given (verbally or in writing). Without consent this information will not be collected.
Consent Form	To record client consent.	Consent in writing.
Counselling/support session notes	Consent of client	If consent is withdrawn counselling/support will stop
Evaluation information	Consent of client	This information is recorded only under client reference number
Equality information	Legal obligation	This information is collected only under client reference number and given to HR in a sealed envelope

Safety Contact	Carried out in public interest	This is used only when there is a concern of risk to the wellbeing of a client or another person.
3 <sup>rd</sup> party information	Consent of client	Nexus will contact a 3 <sup>rd</sup> party, normally a health care professional to ensure safety of client and suitability to engage in counselling process.

## WHAT HAPPENS TO YOUR PERSONAL DATA

### Within Nexus

INFORMATION	WHAT HAPPENS	STORAGE
Admin Information Name, address, date of birth and contact details.	The information is kept on our booking system and is used to facilitate appointment booking. Nexus uses anonymised summary information for management purposes.	It is an online system, with limited access, password protected on a secure database.
GP information	Used in emergency situations when we are concerned about a client's wellbeing. If possible we will inform the client and have the client consent but we will breach client confidentiality in the public interest where there is a risk of harm to a client or another person.	Stored in the online booking system
Client History including health and abuse details (sensitive information)	This information is used to access a client's suitability for counselling/support and access any possible risks to client wellbeing.	Stored in a paper version with only the client reference and client 1 <sup>st</sup> name.
Consent Form	This information confirms in writing the client's consent to counselling/support and information use and limitations of confidentiality.	Paper version which includes client full name. This is stored separately from client notes during counselling/support to reduce data breach if file is lost. Consent form is returned to client file when client closes.
Counselling/support notes	This information is used by the counsellor or the clinical manager when there is concern regarding risk.	Stored in a paper version with only the client reference and client 1 <sup>st</sup> name.
Evaluation information	This information is used to review client wellbeing during	This information is recorded in the CORE evaluation system

	the counselling/support process. Nexus uses anonymised summary information for management purposes.	using only the client reference number.
Equality information	This information is required by our funders to ensure that we offer a service to all sections of the community. Nexus only report on all clients over a specific time period and no client is individually identified.	This information is collected in a paper form using only client reference and is transferred to a separate section of the booking system by HR
Safety Contact	The safety contact will normally be contacted with the consent of the client where appropriate. However Nexus NI will breach confidentiality where they believe there is a risk of harm to the client or another person.	This information is recorded on our booking system.

### **Externally**

Nexus NI will process all the above information for funders, research, funding applications and for external decision makers but in a way that cannot identify any individual clients i.e. we give summary information

### **Breaching confidentiality**

Nexus NI will breach a client's confidentiality when we believe that to be in the public interest where there is a risk of harm to the client or another person. We follow the guidelines of the BACP and the Department of Health (NI). We will if possible seek consent from the client or inform the client of our decision if possible. The decision to breach confidentiality is only taken after consultation with a manager in Nexus and follows the procedures and policies of Nexus NI.

### **Disclosure of a serious crime**

When a client discloses details of a serious crime they have knowledge of, legally Nexus NI must report it.

### **Consent received to disclose information to a third party**

Client consent is required in writing and when Nexus NI believes that the client has an understanding of the consequences of that action we will release a copy of the client notes.

### **Court orders**

When a court order is received Nexus NI has a legal obligation to release the client notes direct to the court judge. We will if possible advise the client that this has happened.

### **HOW WE COMMUNICATE PRIVACY INFORMATION**

We will communicate this privacy information in a variety of ways.

At referral the information will be given verbally for telephone referrals and online for online referrals. The information will be available at [nexusni.org](http://nexusni.org).

A summary of this privacy notice will be given to all clients at the assessment interview and the full privacy notice is available in writing or online.

Any queries can be emailed to [info@nexusni.org](mailto:info@nexusni.org)

## **GIVING CONSENT**

The information given at referral is contractual information required to allow Nexus NI to be able to offer a service i.e. counselling/support appointments. Clients will be offered a privacy notice copy at the time of referral.

At the assessment appointment the counsellor will take time to explain our consent form and what we do with a client's data. A summary privacy statement will be given as part of the client information and every client is given a copy of the consent form they have signed. The full privacy statement will be available online, as an email pdf or in a hard paper copy.

All counsellors have received training in relation to explaining consent and the importance of ensuring that clients understand what Nexus NI does with their personal information.

## **RETENTION OF THAT INFORMATION**

Nexus NI normally keeps the client paper file for 7 years after the final counselling/support sessions when the file is securely destroyed. (Files are destroyed at the end of the calendar year in which the 7<sup>th</sup> anniversary of counselling/support was completed).

Admin information is retained on the booking system past this date but this can be removed at the client request at 7 years.

Where Nexus NI has knowledge of legal action or a major safeguarding issue they reserve the right to hold the file until that reason no longer exists.

## **RIGHTS OF THE INDIVIDUAL CLIENT**

**Right to be informed** – every client will receive a summary privacy notice at the assessment appointment. They will be offered this information at the time of referral. The privacy notice will also be available online, as a pdf to be emailed and hard paper copies in the office waiting rooms.

**Right to access** – All clients aged 16+ have a right to a copy of their individual information. Nexus NI must respond within a calendar month of a written request being received. The request must include the client signature. Normally there will be no charge for this service. The notes will be supplied as a photocopy or scanned as an encrypted pdf and emailed.

Information from a 3<sup>rd</sup> party will not normally be given without permission of that 3<sup>rd</sup> party.

**Right to data portability** - The privacy notice will be available online, paper version and pdf email.

**The right to object** - A client who wishes to object to the way Nexus NI has used their data can object in writing to The Operations Manager, Nexus NI, and 119 University Street, Belfast, BT7 1HP or by email to [data@nexusni.org](mailto:data@nexusni.org). If the concern is not addressed to the satisfaction of the client, the CEO will be the appeal person.

**The right to rectification** - The client has the right to have any inaccurate information rectified. The client should notify Nexus NI in writing to the Operations Manager or by email to [operations@nexusni.org](mailto:operations@nexusni.org).

However, if the client is objecting to an opinion recorded by the counsellor the right to rectification does not apply. However, a note would be added to the file saying that the client objected.

**The right to restrict processing** - If the client wishes to restrict processing that request should be put in writing to the Operations Manager or by email to [data@nexusni.org](mailto:data@nexusni.org). If it is not possible to restrict processing due to safety concerns or best practise guidelines counselling may have to end.

**To withdraw consent** - All clients have the right to withdraw consent. However, this would mean that counselling/support may end as notes must be taken to ensure the quality and integrity of the counselling/support process.

**The right to be forgotten** - The client has a legal right to ask for this in writing to the operations manager. However, Nexus NI reserve the right to reject the request when the client notes contain information that may be used in further court/legal action or where destroying the notes might affect the ability of Nexus NI to safeguard the client's mental wellbeing. The client has the right to appeal any decision by writing to the CEO of Nexus NI.

**Rights following death** – GDPR regulations do not give any rights once a client is deceased. However Nexus NI best practise is to respect the views of the client if these are known. We recommend that if a client does not wish for their notes to be released that they put this in writing to Nexus NI. In the event of a request for notes following the death of a client Nexus NI will take reasonable measures to

- Confirm the death of the client
- Check the client notes to see if any views were expressed and recorded by the client.
- If a family member is recorded as the safety contact we will contact them for their advice as to the deceased client's wishes. We will if possible inform the family member of the decision as per release of notes.

## **COMPLAINTS PROCEDURE**

Nexus NI recommends that when a client has concerns that they discuss this with their counsellor if appropriate. If the client is unhappy with their counsellor, they can contact admin and ask to be moved to another counsellor.

If the complaint cannot be dealt with informally it should be address to the operation manager in writing or by email to [operations@nexusni.org](mailto:operations@nexusni.org). Nexus NI will normally respond within 2 working weeks or the client will be notified if this is not possible within this time scale i.e. if relevant staff is on annual leave

If the complaint cannot be resolved an appeal can be made to the CEO at Nexus NI in writing or by emailed [CEO@nexusni.org](mailto:CEO@nexusni.org)