

# 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 CLIENTS (under 16 years or with diagnosed learning disabilities)

This version of the privacy notice is specifically for carers, professionals and Nexus NI staff and older children with the capacity to understand this privacy notice. Other versions of this privacy notice will be available for different age ranges.

Nexus NI will ensure that for children and adults with diagnosed learning disabilities

- We will explain the counselling process
- We will explain why we require the personal data we have asked for, and what we will do with it, in a way which they can understand.
- We will tell them what rights they have over their personal data in language they can understand.
- We allow competent children to exercise their own data protection rights

To enable Nexus NI to offer clients counselling in a safe and professional manner we need to keep personal information on each client. Some of this information is of a sensitive nature. Children and adults with diagnosed learning disabilities have full rights under the Data Protection Act 2018. However, there are some specific exemptions which can apply to this group.

### TYPES OF PERSONAL DATA WE KEEP

- Information needed for admin purposes – name, address, date of birth and contact details
- Information from the referrer regarding family situation, carers, statutory bodies involved, type of abuse.
- GP information for safety information
- An assessment interview will be carried out with the referrer/carer and the client. 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 access your suitability for counselling and aid in the counselling process
- We will keep brief notes on your counselling 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

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

INFORMATION	LEGAL PURPOSE	CONSENT
Admin Information Name, address, date of birth and contact details	Contract with data subject	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
Life story including health and	Consent of carer. Consent of	At the start of the assessment

abuse details (sensitive information)	client when deemed to be capable of consent will also be sought. Normally consent of carer will be sought for any children under 14 years of age.	interview consent will be explained and given (verbally or in writing). Without consent this information will not be collected.
Consent Form	This confirms the carer/client consent for Nexus NI to keep data. It also summarises how Nexus NI will process that information.	Keep securely by Nexus NI and a copy given to carer/client.
Counselling notes	Consent of carer. Consent of client when deemed to be capable of consent will also be sought.	If consent is withdrawn counselling will stop
Evaluation information	Consent of carer. Consent of client when deemed to be capable of consent will also be sought.	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
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.

#### Competency to consent.

Normally Nexus NI will ask for the written consent of a carer where a child is aged under 16 years of age. However, there is no age limit specifically defined in Data Protection legislation and where it is believed that a child is capable of consent under the Gillick Competency Test we will accept a child's consent under 16 years of age. Equally where we believe an adult is not capable of giving consent we will seek consent from a third party with the legal right to make decisions on their behalf.

Nexus NI reserve the right to engage in confidential counselling without consent of the carer under **processing in the substantial public interest**. However, we will only use this lawful basis in limited circumstances and under the express permission of the Clinical Manager.

#### 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 make contact regarding appointments.  A summary of all clients' information is used for	It is an online system, with limited access, password protected on a secure database.

	statistics for funders and funding applications. However this does not identify any individual and is a summary of all our clients in a specific time period.	
GP information	Used in emergency situations when we are concerned about a client's wellbeing. We will if possible inform 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
Life story including health and abuse details (sensitive information)	This information is used to access a client's suitability for counselling 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 form is used to record written consent of carer and if applicable client	Stored as paper page but kept separately from ongoing counselling notes to minimise any possible data breaches. Consent form returned to client file when case closed.
Counselling notes	This information is used by the counsellor or the client 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 a client's wellbeing during the counselling process. A summary of every client's information is used for statistics for funders and funding applications. However this does not identify any individual and is a summary of all our clients in a specific time period.	This information is recorded in the CORE evaluation system 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 NI only reports 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 first point of	This information is recorded on our booking system.

	<p>contact with the consent of the client where Nexus is concerned regarding the well-being of the client or another person. However Nexus NI will breach confidentiality where they believe there is a risk of harm to the client or another person.</p>	
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#### Externally

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

#### Consent received

When consent has been received from the carer in writing and we believe that the carer has an understanding of the consequences of that action Nexus NI will release a copy of the client notes. If possible Nexus NI will also want consent or to inform the client. Nexus NI may decline to release information (except on receipt of a court order) where they believe that the release of information would not be in the best interests of the child. (Exemption granted under Data Protection Act 2018).

#### Court orders

When a court order is received Nexus NI has a legal obligation to release the client notes directly to the court judge. We will if possible advise the carer/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).

This version of the privacy notice is available to all carers/professionals and staff. However other versions of this privacy notice will be made available

- Summary privacy notice for carers and children aged 14+
- Privacy notice for primary school children
- Privacy notice for children aged 11-14.

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

#### LAWFUL BASIS

The information given at referral is contractual information required to allow Nexus NI to be able to offer a service i.e. counselling appointments. Carers 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/carer is a suitable format and every client/carer given a copy of the consent form they have signed. The full privacy statements will be available online, as an email pdf or in a hard paper copy.

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

#### RETENTION OF THAT INFORMATION

Nexus NI normally keeps the client paper file for 7 years after the final counselling sessions when the file is securely destroyed. However, where the client was under the age of 16 when counselling commenced the client notes will be held until the client is 21 years of age.

Admin information is retained on the booking system past this date but this can be removed at the client request at 7 years or after the age of 16.

#### RIGHTS OF THE INDIVIDUAL CLIENT

Right to be informed – every client/carer will be offered a suitable 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. Below 16 years of age normally a carer signature would be required. Nexus NI may decline to release information (except on receipt of a court order) where they believe that the release of information would not be in the best interests of the child. (Exemption granted under Data Protection Act 2018).

Right to data portability

The privacy notice will be available online, paper version and pdf email.

The right to object

A client/carer 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 their satisfaction the CEO who is the data controller 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 [data@nexusni.org](mailto:data@nexusni.org).

However, if the client is objecting to an opinion recorded by the counsellor the right to rectification does not apply and 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, counselling may have to end.

### To withdraw consent

All clients have the right to withdraw consent. However, this would mean that counselling would end as notes must be taken to ensure the quality and integrity of the counselling 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 reserves 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 well-being. The client has the right to appeal any decision by writing to the CEO of Nexus NI.

## 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 the relevant staff are 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)