

Data Protection Act (DPA) 1998 General Data Protection Regulations(GDPR) 2018

The General Data Protection Regulations

This is a pan-European legislation to strengthen the Data Subjects rights in regards to how their data is used. At Cognacity, we are committed to compliance with the GDPR 2018. Everyone working in this practice has a legal duty to keep information about you confidential and secure. In summary, this means that:

Our Intent:

Cognacity Wellbeing (“The Company”) regards the confidentiality and security of personal data as very important to successful working, and to maintaining the confidence of our clients. Cognacity will adhere to the six GDPR principles:

1. **Processed Lawfully** – Fairly and Transparent
2. **Collected** –For specified and legitimate purposes
3. **Adequate** – Relevant and limited to what is necessary
4. **Accurate** - And where necessary, kept up to date
5. **Retained** – Only for as long as necessary
6. **Processed Securely** – In an appropriate manner to maintain security

GDPR states that the service user has the following rights:

1. The right to be **Informed**
2. The right of **Access**
3. The right to **Rectification**
4. The right to **erasure**
5. The right to **Restrict** Processing
6. The right to data **Portability**
7. The right to **Object**
8. Rights in relation to automated decision making and **Profiling**

Consent:

The data subject must give consent for their data to be used for specific purposes. Each specific purpose must have specific consent. The Data Subject must be provided with the ability to withdraw consent easily.

Data Controllers:

The Data Controller is the natural or legal person who alone or jointly determines the purposes and means of processing personal data. For Cognacity Wellbeing, these are:

Dr Gary Bell, Dr Philip Hopley and Dr Filippo Passetti.

Data Processor:

The Data Processors are the Cognacity staff members who process this personal data on behalf of the Data Controllers.

Data Protection Officer (DPO):

The DPO is a person appointed to oversee a Data Controller or Data Processor with the primary aim of protecting the interests of the service user.

Data Breach:

“A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data” *ICO 2018* - <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/>

Cognacity is working with their current IT Provider (EBS) to ensure systems for storing or accessing personal data are encrypted

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Procedure for a Data Breach:

1. The GDPR introduces a duty to report certain types of personal data breach to the relevant supervisory authority (ICO). This will be completed within 72 hours of Cognacity being made aware of the breach, where feasible.
2. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, Cognacity must also inform those individuals without undue delay.
3. Cognacity has a robust procedure for detecting a breach, and investigation and internal reporting procedures are in place. This will facilitate decision-making about whether or not Cognacity will need to notify the relevant supervisory authority and the affected individuals.
4. There is a record held at Cognacity of any personal data breaches detected.

Information Cognacity will provide to individuals when telling them about a breach:

1. The nature of the personal data breach and, at least:
2. The name and contact details of your data protection officer (TBC) a description of the likely consequences of the personal data breach; and
3. A description of the measures taken, or proposed to be taken, to deal with the personal data breach
4. measures taken to mitigate any possible adverse effects

Raising Concerns:

Next review: May 2019

The procedure for raising concerns about the processing of personal data is to be emailed to the Cognacity Complaints Manager (Deanna Tutty) at: d.tutty@cognacity.co.uk or by registered mail to:

Mrs Deanna Tutty
Cognacity Practice Manager
54 Harley Street
London
W1G9PZ

Requesting Personal Data:

Clients can request a copy of their own personal data held by Cognacity by contacting Cognacity and requesting a Subject Access Request (SAR) form.

Purpose of Processing Personal Data:

Personal Data that is collected from a service user is stored for the purposes of:

- We ask for information about yourself so that you can receive appropriate care and treatment.
- We keep this confidential information secure, including credit card details and details of your care, because it is needed when we see you again.
- Raising invoices for payment (for Individuals or PMI's)
- We may use some of this information for other reasons, for example
 - To ensure that the practice runs legally and efficiently
 - To ensure that the practice can account for its actions
 - In relation to ethically approved audit projects
 - To ensure efficient administration of our care services
 - You may be receiving care from other people as well as Cognacity practitioners and we may need to share some information about you with them as a result. (We only share information which directly affects your care and with your specific consent.
 - Where appropriate we make sure information about you is anonymous.
 - You have a right of access to your health records and your personal data in accordance with the GDPR.

Lawful Basis of Processing Personal Data:

The lawful basis of processing personal data is largely by Consent. This Consent is gained by completion of the Cognacity Registration Forms that each Service User must sign.

This policy is intended to comply with the Data Protection Act and GDPR, and will be updated Annually, or when required.

Next review: May 2019