

GDPR Privacy Notice

Lee Moden

Classical Acupuncture

www.classical-acupuncture.co.uk

Purpose of privacy notice

The processing of personal data is governed by the General Data Protection Regulation 2016/679 (GDPR). This legislation will replace current data privacy law on 25 May 2018, giving more rights to you as an individual and more obligations to organisations holding your personal data.

This Privacy notice explains the increased rights you have in relation to way we use, share and store your personal information, as well as the legal basis on which we are using it and your access to it.

This new privacy notice came into effect on 25 May 2018.

The Data Controller

The Data Controller is a person who determines how your personal data is processed and for what purposes.

For the purpose of this Privacy notice, **Lee Moden** is a Data Controller of your data. Lee Moden is also registered with the Information Commissioners Office (ICO) - Certificate Reference No: **ZA424653**.

Whose information does this privacy notice apply to?

This privacy notice applies to information we collect from:

- patients;
- prospective patients;
- former patients;
- visitors to our website;

What is personal data?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. Examples of personal data we may hold about you include your contact and appointment details.

Special category data is a sub-category of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. Examples of special category data we may hold about you include your patient notes.

Why we collect personal information

In order to provide treatment to you, we need to collect and keep personal information about your health in order to make a full traditional Chinese medicine diagnosis, to formulate a treatment strategy and treatment plans, and provide you with the most appropriate and safe treatment. In other words, we have a "legitimate interest" in collecting that information.

We also think that it is important that we can contact you in order to confirm or change your appointments with us or to update you on matters related to your medical care. This again constitutes "legitimate interest".

There is more information about the reasons why we collect personal data below.

You can, of course, refuse to provide the information or request that we cannot record any information about you. However, if this were the case we would not be able to provide you with treatment.

How do we process your personal data?

We are committed to ensuring that your personal data is secure and we comply with our obligations under the GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical and physical measures and managerial procedures are in place to protect and safeguard personal data we collect from you.

We use your personal data for the purposes set out below.

Sections 1 – 14 apply to our patients, prospective patients, former patients and visitors to our practice

1. We use your name, address, telephone number and email address to make and rearrange appointments. We store this information electronically and/or on paper. We are unable to send or receive encrypted emails so you should be aware that any emails we send or receive may not be protected in transit. We will also do our best to monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send us is within the bounds of the law.

2. Some patients and prospective patients return pre- 1st appointment questionnaires or tell us about their medical conditions and medication by email or online enquiry forms. We store this information electronically and/or on paper. We are unable to send or receive encrypted emails so you should be aware that any emails we send or receive may not be protected in transit. We will also monitor any emails sent to us, including file attachments, for viruses or malicious software. Please be aware that you have a responsibility to ensure that any email you send us is within the bounds of the law.
3. We keep a permanent attendance register which records all appointments for patients attending our clinic to keep a record of when you were treated for tax purposes and to secure potential evidence in the event of a criminal prosecution, civil litigation, insurance claim or complaint to my regulatory body, the British Acupuncture Council. We store this information electronically and/or on paper.
4. We may use your date of birth to help identify patients with the same name to avoid mistakes being made as to safe and appropriate treatment, for identification purposes if referring a patient to another health practitioner, and for identification purposes if writing to a registered medical practitioner so that they correctly identify the patient. We store this information electronically and/or on paper.
5. We use your presenting complaint and symptoms reported by you for the purposes of making a full traditional diagnosis, formulating treatment strategy and treatment planning. We store this information electronically and/or on paper.
6. We use any relevant medical and family history you have told us for making a full traditional diagnosis, formulating treatment strategy and treatment planning. We store this information electronically and/or on paper.
7. We use your GP's name and address in the event that we need to contact your GP including in an emergency and because it is a mandatory requirement in the British Acupuncture Code of Professional Conduct. We store this information electronically and/or on paper.
8. We use our clinical findings about your health and wellbeing for making a full traditional diagnosis, and formulating treatment strategy and treatment planning. We store this information electronically and/or on paper.
9. We keep a record of and refer to that record of any treatment given and details of progress of your case, including reviews of treatment planning to enable us to: review the full traditional diagnosis, treatment strategy and planning; and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint. We store this information electronically and/or on paper.
10. We record and use any information and advice that we have given, especially when referring patients to any other health professional, to help you to receive the most

appropriate treatment and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint. We store this information electronically and/or on paper.

11. We record any decisions made in conjunction with you to help you to receive the most appropriate treatment and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint. We store this information electronically and/or on paper.
12. We keep accident records for any patients who are involved in accidents at our clinic in accordance with UK Health and Safety legislation including the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) to comply with the law and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint. We store this information electronically and/or on paper.
13. In the event of an adverse incident occurring to any of our patients we report the matter to the British Acupuncture Council and the our insurance company to enable the insurance company to deal with any potential claims and to help the British Acupuncture Council to develop its safe practice guidelines, as well as providing research data and information for the BAcC's insurers and other interested parties. We store this information electronically and/or on paper.
14. Where relevant we maintain records of the patient's consent to treatment, or the consent of their next-of-kin in order to be able to prove that the patient (and/or parent/guardian/next of kin) has given informed consent to treatment to secure evidence in the event of a civil claim, criminal prosecution, insurance claim or complaint. We store this information electronically and/or on paper.

Section 15 applies to those who complain about our services

15. When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint. We store this information electronically and/or on paper.

We will only use the personal information we collect to process the complaint and to check on the level of service we provide. We usually have to disclose the complainant's identity to whoever the complaint is about. If a complainant doesn't want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis. We may need to provide personal information collected and processed in relation to complaints to the British Acupuncture Council or our insurance company.

We will keep personal information contained in complaint files in line with our retention policy. This means that information relating to a complaint will be retained for two years from closure. It will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

Similarly, where enquiries are submitted to us we will only use the information supplied to us to deal with the enquiry and any subsequent issues and to check on the level of service we provide.

Third party hosting, storage and processing of personal information

We use a third party service (Cliniko), to host, store, secure and process your personal information as described in paragraphs 1-15 listed above. Cliniko operates an exceptionally secure data repository and processing facility - to find out more about their security accreditations and certifications, please see:

<https://www.cliniko.com/security/>

For more information about how Cliniko processes data, please see:

<https://www.cliniko.com/policies/privacy/>

Sections 16 – 21 apply to our website users

16. We may use third-party Service Providers to monitor and analyze the use of our Service.

Google Analytics is a web analytics service offered by Google that tracks and reports website traffic. Google uses the data collected to track and monitor the use of our Service. This data is shared with other Google services. Google may use the collected data to contextualize and personalize the ads of its own advertising network. You can opt-out of having made your activity on the Service available to Google Analytics by installing the Google Analytics opt-out browser add-on. The add-on prevents the Google Analytics JavaScript (ga.js, analytics.js, and dc.js) from sharing information with Google Analytics about visits activity. For more information on the privacy practices of Google, please visit the Google Privacy & Terms web page: <http://www.google.com/intl/en/policies/privacy/>

17. We use cookies on our website.

Cookies consist of pieces of text, often including unique identifiers (strings of letters and numbers) that are sent by web servers to web browsers, and stored by the browser. The identifier may then be sent back to the server each time the browser requests a page from the server. This enables the web server to identify and track users as they navigate different pages on a website and to identify users who are returning.

We use cookies to distinguish you from other users of our website and in order to provide increased functionality on our website. This enables us to provide you with a better user experience and allows us to make improvements to our website and services. We only use cookies to improve the services we offer. We do not use cookies to target you with advertising. Not all cookies on our website are created by us as some are created by third parties. An example of this, is a 'functionality' cookie used to provide services and content such as videos. Our website makes use of Vimeo, a video sharing website. The embedded Vimeo player, uses these cookies to check if certain features or preferences have been selected by the user. To find out more about how each cookie is used by Vimeo, please see [Vimeo's Cookie List](#). More information can be found on [Vimeo's Privacy Policy](#).

If you so wish, your web browser should allow you to delete any cookies you choose. It also should allow you to prevent or limit their use. If you choose not to use cookies or you prevent their use through your browser settings, you will not be able to use all the functionality of our website.

18. Our website search is powered by (Krystal Hosting). Search queries and results are logged anonymously to help us improve our website and search functionality. No user-specific data is collected by us or any third party.
19. We use a third party service (Krystal Hosting) to help maintain the security and performance of our website. To deliver this service it processes the IP addresses of visitors to our website.
20. We use a third party service, (Krystal Hosting), to host our website including publishing our blog. We use a standard Wordpress plugin to collect anonymous information about users' activity on the site, for example the number of users viewing pages on the site, to monitor and report on the effectiveness of the site and help us improve it.

For more information about how Krystal Hosting processes data, please see:

<https://krystal.uk/terms#termsd>

21. Encryption of data sent between us

Our website has been configured to use Secure Sockets Layer (SSL) certificates to verify our identity to your browser and to encrypt any data you give us.

Whenever information is transferred between us, you can check that it is done so using SSL by looking for a closed padlock symbol or other trust mark in your browser's URL bar or toolbar.

Sharing your personal data

Your personal data will be treated as strictly confidential, and may be shared:

- with named third parties with your explicit consent;
- with reception staff at the clinic, as they need to contact you to arrange/confirm appointments and issue reminders (but they do not have access to your medical history or sensitive personal information);
- with the relevant authority such as the police or a court, if necessary for compliance with a legal obligation to which we are subject e.g. a court order;
- with your doctor or the police if necessary to protect yours or another person's life;
- with the police or a local authority for the purpose of safeguarding a children or vulnerable adults; or
- with my regulatory body, the British Acupuncture Council, or my insurance company in the event of a complaint or insurance claim being brought against me; or
- my solicitor in the event of any investigation or legal proceedings being brought against me.

For further details about the situations when information about you might be shared please see the Information Commissioner's website at <https://ico.org.uk/for-the-public/personal-information/sharing-my-info/>

How long do we keep your personal data?

We keep your personal data (both electronically and on paper) for no longer than reasonably necessary.

We keep patient records for a period of minimum 7 years after your most recent appointment in accordance with the British Acupuncture Code of Professional Conduct <https://www.acupuncture.org.uk/public-content/effective-practice/bacc-professional-codes.html>

In case of any legal claims/complaints or for safeguarding purposes, records will be kept for a period of 7 years in line with the mandatory period for retaining patient records.

In the event of my death, your personal records will be passed onto another acupuncture practitioner, nominated by me, who will then inform you of the changes of circumstances. Your rights regarding your personal data will not be affected.

At any time you may request that changes are made to your contact details over the telephone, by email or in writing, as well as face-to-face with your practitioner.

Your rights and your personal data

Unless subject to an exemption under the GDPR, you have certain rights with respect to your personal data as set out below.

- The right to request a copy of your personal data which we hold about you.
- The right to request that we correct any personal data if it is found to be inaccurate or out of date.
- The right to request your personal data is erased where it is no longer necessary for us to retain such data.
- The right to withdraw your consent to the processing at any time. This right does not apply where we are processing information using a lawful purpose other than consent.
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable) [This right only applies where the processing is based on consent or is necessary for the performance of a contract with you and in either case the we are processing the data by automated means].
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing.
- The right to object to the processing of personal data, (where applicable) [This right only applies where processing is based on legitimate interests (or the performance of a

task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics].

- The right to be informed if your data is lost. We shall also inform the Information Commissioner's Office in accordance with the time limits in the GDPR.
- The right to lodge a complaint with the Information Commissioner's Office.

For further details about these rights please see the Information Commissioner's website at <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Contact Details

To exercise all relevant rights, queries of complaints please in the first instance contact us by email at:

info@classical-acupuncture.co.uk

If you are not satisfied with our response, you have a right to raise the matter with the Information Commissioner's Office by calling 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.