

## Data Protection Privacy Notice

Fundamentals Speech and Language Therapy Ltd is a service provider of paediatric speech and language therapy working predominantly in the North East of Scotland. Hereby referred to as *Fundamentals*.

### Registered office address:

Fundamentals Speech and Language Therapy Ltd  
C/O The Grant Considine Partnership  
46 High Street, Banchory  
AB31 5SR

### Company number:

SC737020

## Definitions

**Personal Data/Personal Information** means any information relating to an identified natural person that is processed by the Company as a result of, or in connection with the provision of the Services; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**UK Data Protection Legislation:** all applicable data protection and privacy legislation in force from time to time in the UK including the General Data Protection Regulation ((EU) 2016/679) (UK GDPR); the Data Protection Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended.

*Fundamentals* at the present time only operates within the UK and is therefore compliant with the laws applicable to the UK mainland.

*Fundamentals* is fully compliant with the UK Data Protection Legislation and is dedicated to protecting personal information. This document outlines *Fundamentals* policies and procedures to ensure personal information is processed in compliance with applicable laws. It describes:

- What personal data we store
- How this is collected
- Why we store this information
- Who we share this information with
- How we store the information
- Fundamentals Responsibility
- Your rights
- Data retention
- Data breaches/complaints processes

Fundamentals is registered with the Information Commissioner's office and the data controller. You can view the ICO registration by visiting: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/> and using registration code: ZB511755 or by searching for Fundamentals Speech and Language Therapy Ltd.

### Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. We may change this policy from time to time to take account of:

- Changes to Data Protection Legislation and other laws which may affect this policy;
- Guidance issued by the ICO and others;
- Issues raised by our clients, partners and other users

Accordingly, we suggest that you regularly check this page to ensure that you continue to be comfortable with the measures that we are taking to protect your privacy. This policy was last updated on the date shown in the footer. It is important that the Personal Data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us

## 1.1. What personal information does Fundamentals store?

To provide the highest standard of therapy services, *Fundamentals* requires to store accurate personal information. Only personal information which is relevant to the provision of therapy services will be obtained. The type of information *Fundamentals* request and store would include:

Patient information & consent forms containing;

- The child's date of birth
- The child's gender
- Name of child's GP surgery
- Name of child's school/nursery
- The child's first and second language(s)
- Home phone number of primary care giver(s)
- Mobile phone number of primary care giver(s)
- Email addresses of primary care giver(s)
- Relevant medical diagnosis & development history

Following initial assessments & therapy sessions;

- Treatment goals & treatment notes
- Email correspondence from other healthcare and educational professionals
- Written reports, child plans & minutes from multi-disciplinary meetings
- A record of a session includes a brief description of the activities carried out, how the child performed in each of the activities, a summary of any discussions that took place and a plan of action for what will happen next
- Any phone calls or conversations that occur outside of the face to face sessions are also recorded in the case notes.

## 1.2. How is this information collected?

Personal information about the child is obtained initially from the primary caregiver(s) upon completion of the *Patient information & consent form*. Further personal information may be recorded from verbal conversation at the initial assessments or during calls with *Fundamentals*. Information may also be collected in written form (e.g. emails or reports from other professionals which have been provided).

Only with consent would information from other professionals working with the child (e.g. teacher, pupil support workers, occupational therapist, NHS speech & language therapists etc) be sought. Details of this consent are provided in the *Patient information & consent form* and this consent can be withdrawn at any time for any reason.

### 1.3. Why does *Fundamentals* store this information?

The legal basis for *Fundamentals* to process personal information is in order to provide therapy services. This includes:

- Contact information in order to communicate with you, send reports, invoicing and to arrange sessions.
- A case history is essential for understanding the nature of the communication difficulty and so that assessment can lead to an accurate diagnosis.
- Case notes form a record of the child's progress and allows future therapy to be planned in an effective and efficient way.
- Data is also used by *Fundamentals* for the purpose of keeping our own accounts and records in accordance with the requirements of Her Majesty's Revenue Custom's and the Information Commissioner's Office.

If you, the Customer, fail to provide certain information when requested, *Fundamentals* may not be able to perform the Services and any contract we have entered into with you or we may be prevented from complying with our legal obligations.

### 1.4. Who we share information with

*Fundamentals* will never share any information with any third parties without consent. The *Patient information & consent form* will be held securely in the child's records and personal information will only ever shared where you have given written consent for this to happen within this form. *Fundamentals* may from time to time request for you to provide consent to share information with a relevant professional that you have not previously explicitly provided consent for. If this happens you have the right to decline this if you so wish but if this has a significant impact on *Fundamentals* ability to provide services, this may result in a termination of any service agreements.

*Fundamentals* does not employ agents to process personal data, for example, specialist mailing companies to send out communications, nor do we give or sell details to any third parties.

Whenever information is proposed to be shared, the reason for sharing information and who it will be shared with will be explained to you at the time so that your consent is informed. Any information sharing is carried out with the child's best interests in mind and typically takes the form of specific information about your child's communication difficulties. For example, copying a report to other professionals your child sees, giving written strategies to help others support your child etc.

The only exception to the non-disclosure of personal information to third parties is where *Fundamentals* is required to disclose information by law. For example, to comply with any safeguarding legislation.

## 1.5. How *Fundamentals* stores information

All personal information is held by *Fundamentals* is held electronically and on secure, encrypted systems. *Fundamentals* does not store any personal information in hard copy format and any hard copy personal information provided to *Fundamentals* will be electronically scanned and subsequently securely destroyed or returned as appropriate. All electronic information is stored on a secure clinical note system called writeup which is ISO27001 (Information Security Management Systems) certified. For further information please refer to [www.writeupp.com](http://www.writeupp.com).

In the course of the collection and sharing of information between primary caregivers and *Fundamentals*, it will often be necessary to communicate via email and therefore some personal information will be stored on email servers. *Fundamentals* only uses secure email systems and follows best practices for password and online security.

*Fundamentals* have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to personal data to employees on a need-to-know basis and all such individuals are subject to a duty of confidentiality.

## 1.6. *Fundamentals* responsibilities

*Fundamentals* is committed to maintaining the security and confidentiality of your child's information. We actively implement security measures and audit these regularly.

Data Protection legislation requires businesses to make clear the "Lawful Basis" for retaining your information. In the case of *Fundamentals*, data is kept under the following legal basis:

'Legitimate interest' under section 6 of the GDPR. *Fundamentals* cannot deliver a service to your child without processing their personal information. As it is both a necessity for our service delivery and of benefit to your child, we have a legitimate interest to process and store their data.

'Special Category Data' under section 9 of the GDPR. The regulations specify that health professionals who are "legally bound to professional secrecy" may have a lawful basis for processing this data. Speech and Language Therapists are legally bound to keep client information confidential and it is under this condition that *Fundamentals* processes and stores personal information.

## 1.7. Your rights as a data subject (where *Fundamentals* is the Data Controller)

Your key rights that are protected by UK Data Protection Legislation are as follows:

- The right to be informed
- The right to access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling

For further information, visit [www.ico.org.uk/for-the-public/is-my-information-being-handled-correctly](http://www.ico.org.uk/for-the-public/is-my-information-being-handled-correctly).

Under certain circumstances, if you are an individual in respect of whom the Company processes Personal Data, you have the following rights. Please note that this is a summary of your rights. If you wish to understand your rights in detail you should read the relevant laws, guidance and regulations for a fuller explanation.

You have the right to:

**Request access to your Personal Data** (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data we store about you and to check that we are lawfully processing it. We will supply the data free of charge but we reserve the right to charge a reasonable fee (or refuse to act on the request) if you request additional copies of the information, if access requests are unfounded or excessive.

There are circumstances where we may withhold the supply of your Personal Data – for instance where the rights and freedoms of others may be affected or where we are permitted by law.

**Request correction of the Personal Data that we store about you.** This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Erasure of your Personal Data.** This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with local law.

Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing of your Personal Data** where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing of your Personal Data.** This enables you to ask us to suspend the processing of your Personal Data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer of your Personal Data to you or to a third party.** We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

**No fee usually required.** You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

**What we may need from you.** We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**Time limit to respond.** We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

**Withdrawal of consent.** In any cases where the legal basis for our processing of your Personal Data is consent, you have the right to withdraw that consent at any time. Such withdrawal will not affect the lawfulness of any processing before you withdraw consent

## 1.8. Data retention

How long the Company will use personal data. The Company will retain personal information for:

- Such time as this is required in connection with the Services we are supplying to you;
- Following completion of the Services for a period of not less than 6 years from the date the Services end.

We may retain personal information where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## 1.9. What happens if there is a data breach?

In the unlikely event that an unauthorised individual accesses the data Fundamentals stores, you will be informed of the breach and the steps taken to address it. Any breach will be reported to the Information Commissioners Office in accordance with the law.

## Complaint process

If you have concerns about how your data is being handled by *Fundamentals*, you are encouraged to contact *Fundamentals* directly in writing at [rebecca@sltfundamentals.co.uk](mailto:rebecca@sltfundamentals.co.uk)

If *Fundamentals* cannot resolve your concern, you also have the right to pass your concerns on to the Information Commissioner's Office.

## 1.10. Miscellaneous

### Cookies

Like most websites, *Fundamentals* uses cookies to help provide you with the best experience we can. Cookies are small text files that are placed on your computer or mobile phone when you browse websites. Our cookies help to make the website run correctly.



We do not use cookies to:

- Collect any personally identifiable information
- Pass data to advertising networks
- Pass personally identifiable data to third parties

### Website Links

The Site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. Please note that we do not control these third-party websites, which may have their own privacy policies, and that we are not responsible for their privacy statements. When you leave our Site, we encourage you to read the policy statement of every website you visit.