

Data Protection & Privacy Notice

For Clients of Ava Winter Psychotherapy, Guernsey

I, Ava Winter, am registered as the Data Controller for my business with The Office of the Data Protection Authority (ODPA) and take the protection of your data very seriously. My contact details are:

Ava Winter, Psychotherapy & Counselling, Ruelle Des Emrais, Castel, Guernsey, GY5 7YE Email: info@avawinter.co.uk Tel: 07911 739024

The Data Protection (Bailiwick of Guernsey) Law, 2017 requires me to provide certain information to you. This Privacy Notice applies to clients based in Guernsey and to clients based in the United Kingdom. Personal data is processed in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 and the UK General Data Protection Regulation (UK GDPR), as applicable.

I provide this information via the Privacy Notice below, which sets out the details surrounding the data processed. Data processing includes the collection, use, and storage of personal information.

This Privacy Notice will help you understand what personal data is collected, how it is used, how it is kept secure, how long it is retained for, and what rights you have regarding your personal data.

It is important that you read this notice in full prior to providing your agreement, so that you are fully aware of how and why your personal data is processed.

The purpose of processing your personal data

Your personal data is processed in accordance with the Data Protection (Bailiwick of Guernsey) law 2017 for the purposes of delivering psychotherapy and/or counselling, supporting continuity from one session to another, for quality assurance, and to assess the effectiveness of the services provided.

What information do I collect about you?

Personal information provided prior to or during counselling sessions may be collected and stored. Personal data may include, but is not limited to, your: name, address, date of birth, gender, phone number / mobile number, email address, next of kin, health status, GP's name, and surgery.

Certain types of personal information are recognised by data protection law as being more 'sensitive', for example sexual orientation, racial or ethnic origin, and data concerning your health (mental and physical).

All client records are password protected and stored securely electronically.

Brief clinical notes are made after sessions. These are factual, proportionate and are not a verbatim account of what was said. During an initial assessment, notes may also be taken during the session to record relevant intake information.

Where you have provided separate, explicit written consent, I may use Heidi Health, an AI-assisted clinical documentation service, during a session to help create a draft clinical note. This involves the electronic processing and real-time transcription of the session conversation. Heidi is used only to assist my record keeping; it does not make clinical decisions, and I review and edit the draft before it becomes part of your clinical record. I remain responsible for ensuring the accuracy, relevance and proportionality of every note and for all professional and clinical decisions.

Heidi does not retain an audio recording of the session. It is used to assist with the preparation of brief clinical notes and not to create a verbatim record of the therapy session. My clinical record will remain limited to information that is relevant and necessary.

For more information about Heidi, please visit <https://www.heidihealth.com/en-gb/resource-centre>

The lawful basis for processing your personal data

Your personal data is processed under the lawful basis of explicit consent (Article 6 and Article 9 of the Data Protection (Bailiwick of Guernsey) Law, 2017). Additionally, processing may be necessary for legitimate interests or the performance of a contract (providing therapy services), where applicable.

Before using AI-assisted clinical documentation, I identify and document the applicable lawful processing condition(s), including the condition required for special category data. Your separate written agreement to the use of Heidi is also obtained before it is used during a session.

If consent is NOT provided

As counselling involves the processing of sensitive personal data, if you do not provide your explicit consent, psychotherapy and/or counselling cannot be offered to you.

Consent to the use of Heidi is separate from your agreement to the processing necessary to provide psychotherapy. You do not have to consent to Heidi being used. If you would prefer that Heidi is not used during your sessions, this will not affect your therapy or our therapeutic relationship. I will make my clinical notes without using Heidi after the session. You may also withdraw your consent to the use of Heidi at any time.

How long is personal information kept?

Personal information is retained for as long as necessary, in relation to the purpose for which it was first collected. This is in line with guidance from the Guernsey Office of the Data Protection Authority. Session notes are retained for up to 7 years following the last session, in line with professional and legal requirements. For young people, data is kept for 7 years after their 18th birthday.

AI-assisted processing does not change the retention period for the final clinical note. I aim to retain only the information necessary for the clinical record rather than a verbatim account of the session.

Keeping your personal information safe

Digital and operational safeguards, including password protection and encryption, where applicable, are in place to make sure your data is secure and to prevent your personal information from being accidentally lost, used, or accessed in an unauthorised way. Access to information is reviewed on a regular basis.

Where Heidi Health is used, it acts as a technology service involved in processing information on my behalf for clinical documentation. I remain responsible as Data Controller for deciding why and how your personal information is processed. I will keep the service and its privacy, security, retention and data-processing arrangements under review.

Heidi states that data is encrypted in transit and at rest and that consultation data is not used to train its AI models. These safeguards do not remove my responsibility to use the service proportionately and to protect the confidentiality of your information.

Your rights and managing your own data

You have the following rights regarding your personal data, which is processed under the lawful basis of your consent:

- Right of access to your personal data. This enables you to receive a copy of the personal information held about you and to check it is lawfully being processed. Please note that data provided by and relating to another individual during a joint counselling session will not be shared with you.
- Right to rectification of personal data.
- Right to ask for your data to be deleted.
- Right to data portability.
- Right to restrict processing of your personal information.
- Right to object to processing under legitimate interests.

If you wish to exercise your rights, please contact the registered office, as detailed above.

Do you share my information with anyone else?

Psychotherapy and counselling are private and confidential forms of help. Information about clients and the services received is held in strictest confidence.

Where you consent to Heidi being used, information from the session is electronically processed by Heidi Health for the limited purpose of assisting me to prepare the clinical note. This is a form of third-party processing and is subject to the safeguards described in this Privacy Notice and the provider's data-processing arrangements.

However, there are exceptional cases where information is given to relevant authorities on ethical, legal, or safeguarding grounds. For example, if there is reason to believe that someone is at serious risk of harm to themselves or others, if I am compelled to do so by an Order of a Court, or if the information is of such gravity that confidentiality should not be maintained. See “Safeguarding” below for further information.

Any proposed disclosure will be discussed with you, unless doing so could increase the level of risk to you or to someone else.

In accordance with the Ethical Framework, counsellors are required by their professional body to undertake supervision. Although client issues are discussed with a supervisor who resides in the U.K., confidentiality is maintained, and the client’s identity and any other identifying information will not be revealed.

In the event of my death or incapacitation through illness, a Clinical Will is in place. A nominated trusted person will receive the names and contact details of my current clients. This nominated person will contact clients to inform them of my situation. Storage and disposal of client records and notes will continue to be managed confidentially and securely as set out above.

Safeguarding

I am dedicated to creating a safe environment and taking appropriate actions when concerns arise, particularly in safeguarding children and vulnerable adults and in line with the Guernsey Safeguarding Partnership Agency (GSPA) guidelines.

The welfare of clients is paramount, so should a safeguarding concern be identified, I will document the concern promptly and accurately, report concerns to the appropriate authorities, and follow confidentiality protocols while ensuring client safety.

This policy aligns with The Children’s (Guernsey and Alderney) Law 2008 and The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013

Changes to this Privacy Notice

This Privacy Notice may be updated at any time. Any new version will be published on my website. If you have any questions regarding changes to the Privacy Notice, please use the contact details set out above.

How to make a complaint

If you have any questions about this Privacy Notice or the way in which your personal information is handled, or if you wish to make a complaint, please contact me in the first instance, using my contact details set out above.

If you are unhappy with the response, Guernsey based clients may raise concerns directly with The Office of the Data Protection Authority, Block A, Lefebvre Court, Lefebvre Street, St Peter Port, GY1 2JP. Email: info@odpa.gg

UK-based clients have the right to raise concerns with the Information Commissioner's Office (ICO), the UK supervisory authority for data protection. www.ico.org.uk

Consent

I understand that Ava Winter will be processing my personal and sensitive personal data in accordance with the Data Protection (Bailiwick of Guernsey) law 2017 and, where applicable, the UK General Data Protection Regulation (UK GDPR), and in accordance with this Privacy Notice for the purposes of delivering psychotherapy and/or counselling to me, for supporting continuity, quality assurance, and assessing the effectiveness of those services.

Please sign below to acknowledge that you have read and understood the Privacy Notice and consent to your personal data being processed.

I have read and understood this Data Privacy Notice and consent to my personal data being processed as set out above.

Full name

Signature

Date

Consent to AI-Assisted Clinical Note Taking

I understand that, with my permission, Heidi Health will listen to and electronically process the conversation during my psychotherapy sessions for the purpose of assisting my psychotherapist with clinical note taking.

I understand that an audio recording of my psychotherapy session will not be retained by Heidi Health.

I understand that I can decline or withdraw my consent to the use of Heidi at any time without this affecting my therapy or therapeutic relationship.

I consent to Heidi Health being used for AI-assisted clinical note taking during my psychotherapy sessions.

Client name: _____

Client signature: _____

Date: _____