

Privacy Notice

Welcome to Jingwelltherapies Privacy Notice

Jingwelltherapies respects your privacy and is committed to protecting your personal data.

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

This privacy notice will inform you as to how your personal data is gathered, looked after, privacy rights and how the law protects you. This new privacy policy comes into effect on May 25th 2018

1. Important information

The purpose of this privacy notice is to give you information on how your personal data is collected and processed by Jingwelltherapies.

It is important you read the privacy notice together with any other privacy notice or fair processing notice I may provide on specific occasions. This will make you fully aware of how and why I use your data.

This privacy notice applies to information I collect from:

Patients, prospective patients, former patients, people who subscribe to a newsletter, visitors to my website

2. Who am I

Anne Kimber is the Controller of Jingwelltherapies and is responsible for your personal data. How it is processed and for what purposes.

3. What is personal data?

Personal data relates to a living individual who can be identified from that data. An example is name and address.

Special category data is a sub category of personal data revealing racial or ethnic origin, political opinions, religious beliefs, trade union membership and the processing of genetic data, health information or data concerning sexual orientation and sex life. Examples of special category data I hold about you include your notes

4. Data I collect about you

Personal data is any information from which you may be identified. It does not include that where identity has been removed which has become anonymous data.

I collect, store and transfer different kinds of data about you. I use different methods to collect your data from and about you.

I collect it by direct interactions on the telephone, via e-mail, by letter, and face to face, recommendations.

I may also receive feedback and reviews.

Identity Data – name, address, date of birth, gender. GP/consultant name and practice.
Partner name and date of birth in fertility patients

Contact Data – telephone numbers, e-mail

Marketing and Communications – I will record your preferences in receiving marketing, newsletters, offers and your preferred communication method via consent form.

Special Category Data – I collect sensitive data regarding your health, mental health, and in fertility patients, about genetics and biomedics and aspects of sex life.

I do not collect data about race, ethnicity, religion or religious practices, sexual orientation, trade union membership or criminal convictions or offences.

If you fail to provide personal data where I need to collect personal data by Law or under the terms of a contract I have with you, or fail to provide it when requested I may be unable to perform the contract I have with you. (e.g. If you fail to tell me you had a hysterectomy but have come for fertility treatment I will be unable to treat you in having a baby).

5. How do I process your personal data

I will only use your personal data as the law allows. Most commonly I will use your personal data in the following circumstances.

Where I need to perform the contract we have entered into with you.

Where it is necessary for my legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests

Where I need to comply with a legal or regulatory obligation.

I use your name, address, telephone number and email address, to make and rearrange appointments.

I use your name, address, telephone number and email address, only if I have your explicit consent, to send you marketing materials.

I keep a permanent attendance register which records all appointments for patients attending my 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.

I may use your date of birth to help identify patients with the same name and 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 they correctly identify the patient.

I use your presenting complaint and symptoms reported by you for the purposes of making a full traditional diagnosis, formulating treatment strategy and treatment planning.

I use any relevant medical and family history you have told us for making a full traditional diagnosis, formulating treatment strategy and treatment planning.

I use your GP's name and address in the event that I need to contact your GP including in an emergency and because it is a mandatory requirement in the British Acupuncture Code of Professional Conduct.

I use my clinical findings about your health and wellbeing for making a full traditional diagnosis, and formulating treatment strategy and treatment planning.

I 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 me 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.

I record any information and advice that I 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.

I record any decisions made in conjunction with you to help to receive the most appropriate treatment and to secure evidence in the event of criminal proceedings, civil litigation, an insurance claim or complaint.

I keep accident record for any patient, visitors or staff who are involved in accidents at my 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.

In the event of an adverse incident occurring to any of my patients I report the matter to the British Acupuncture Council and my 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.

Where relevant I maintain records of the patient's consent to treatment, or the consent of the 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.

Laid out below is a table which shows the nature of the personal data, purposes for which I use your personal data, the legitimate interest for doing so and the lawful basis for it. Note there may be more than one legitimate purpose for processing data.

Nature of Personal Data	Type of Personal Data	Purposes for processing (collecting, using)	Most likely Lawful Basis. (Special Category Article 9)
1. Patients/prospective patients contact details-name, address, telephone numbers, email address	Personal data	Necessary to make and arrange appointments To send marketing materials	Legitimate interest Consent
2. Permanent attendance register/diary which records all patients attending the clinic	Personal data	Necessary to keep a record of when you were treated for evidence in any event of criminal prosecution, civil action, insurance claim, or complaint. Necessary as a record for tax purposes	Legitimate interests Compliance with legal obligations to which the controller is subject
3. Patient's date of birth	Personal data	Necessary to help identify patients with same similar name to avoid mistakes and give safe and appropriate treatment. Necessary if referring patient to another health practitioner/medical practitioner so they can be correctly identified.	Legitimate interests
4. Presenting Health Complaint and symptoms	Special Category	Necessary for a full traditional diagnosis, treatment strategy and planning	Legitimate interests Processing necessary for the provision of diagnosis and treatment under a contract with health professional Data processed subject to professional secrecy under EU/UK law.
5. Relevant medical and family history	Special Category	Necessary for full traditional diagnosis, treatment strategy and treatment planning.	Legitimate interests Processing necessary for the provision of diagnosis and treatment under a contract with health professional

			Data processed subject to professional secrecy under EU/UK law.
6.GP's name and address	Personal data	Necessary in the event of needing to contact a patient's GP including in an emergency	Legitimate interests
7. Clinical findings	Personal data	Necessary for full traditional diagnosis, treatment strategy and planning	Legitimate interests Processing necessary for the provision of diagnosis and treatment under a contract with health professional Data processed subject to professional secrecy under EU/UK law.
8. Any treatment given, details of progress of the case, including reviews of treatment planning	Special category	Necessary when reviewing diagnosis, treatment strategy and planning	Legitimate interests Processing necessary for the provision of diagnosis and treatment under a contract with health professional Data processed subject to professional secrecy under EU/UK law.
9. Any information or advice given especially when referring to another health practitioner.	Special category	Necessary in the event of criminal proceedings, a civil claim, an insurance claim or complaint.	Legitimate interests Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
10.Any decisions made in conjunction with the patient	Special category	Necessary in the event of criminal proceedings, a civil claim, an insurance claim or complaint.	Legitimate interests Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

11. Accident records for patient and practitioner	Special category	Necessary to comply with UK accident reporting legislation (RIDDOR)	<p>Necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller, the patient, injured person in the field of employment and social security and social protection law in so far as it is authorised by EU or UK law.</p>
12. Adverse incident reports if they identify the patient rather than being completed anonymously	Special category	Necessary for helping the BAcC to develop its safe practice guidelines, as well as supplying research data and information for the BAcC insurers and other interested parties.	<p>Legitimate interests</p> <p>Processing is necessary for reasons of ensuring high standards of quality and safety of healthcare and of medical devices, on the basis of EU or UK law which provides for suitable and specific measures to safeguard the rights and freedoms of the patient in particular professional secrecy.</p>
13. Records of patients consent to treatment or the consent of their next of kin.	Special category	Necessary to prove that the patient (and/or parent/guardian/next of kin) has given consent to treatment in the event of a civil claim or criminal proceedings.	<p>Legitimate interests</p> <p>Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity</p>
14. Records of subscribers to newsletters	Personal data	For marketing purposes	Consent
15. e-mail/text enquiries received from patients	Usually personal data	To collect patient and prospective patient contact details for	<p>Legitimate interests</p> <p>Consent</p>

	May contain Special category data if health details are mentioned	arranging appointments and discussing suitability for treatment	
16. Payment for treatment received	Personal data	Third party involvement if paid by cheque or credit transfer. Necessary to enable payment for services received	Legitimate interests Consent

6. Website and Third Party Links

My Website

jingwelltherapies.co.uk

Hosted by Webworks internet

My website includes links to third party websites. Clicking on those links may allow third parties to collect or share data about you. I do not control these third party websites and I am not responsible for their privacy statements. When you leave my website I encourage you to read the privacy notice of every website you visit.

My website does not collect data about you or use cookies of any kind. I am unable to send or receive encrypted emails so you should be aware that any emails I send or receive may not be protected in transit. I will monitor any emails sent to me, including file attachments for viruses and malicious software. Please be aware that you have a responsibility to ensure any email sent to me is within the bounds of the law.

Information may be disclosed to third parties in the event of an emergency in the treatment room in your best interests. E.g. If you are taken ill and an ambulance is called, I will disclose information to the paramedics which will get you the best treatment and potentially save life.

Information may be disclosed to third parties if you pay by cheque or by bank transfer and if you are claiming your treatment via an insurer, but will remain confidential.

7. Sharing your personal data

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

With named third parties with your explicit consent;

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 child 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 see the Information Commissioners website at <https://ico.org.uk/for-the-public/personal-information/sharing-my-info/>

8. How long is your personal data kept for?

I keep your personal data for no longer than reasonably necessary. I keep patient records for a period of 7 years in accordance with the British Acupuncture Code of Professional Conduct <https://www.acupuncture.org.uk/public-content/effective-practice/bacc-professional-codes.html> , and for no longer than 10 years.

Personal data is stored in handwritten files and kept in a locked filing cabinet with my appointment diary. It will be destroyed after 7-10 years by shredding/burning.

Data will be kept up to date when you inform me of changes or I inform you of changes.

In the event of my long term illness or death I have an appointee who will discharge my duties in these respects.

At any time you may request that changes are made to your contact details.

9. 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 I hold about you

The right to request that I 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 me 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 that I 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), (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 that I am 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/>

10. How Complaints are handled

On receipt of a complaint I will make up a file containing the details of the complaint and containing the identity of the complainant and any other individuals involved in the complaint.

I will only use the personal information I collect to process the complaint and to check on the level of service I provide. If the complainant does not want information identifying them to be disclosed I will try to respect that request, However, it may not be possible to handle a complaint on an anonymous basis. I may need to provide personal information collected and processed in relation to complaint to the British Acupuncture Council or my insurance council.

I will keep personal information contained in complaint files in line with my 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.

11. Further Processing

If I wish to use your personal data for a new purpose, not covered by this Privacy Notice, I 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.

12. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact me Anne Kimber at annekimber@talktalk.net

By telephone 07779540271 or at

109 Wattleton Road, Beaconsfield, Bucks HP9 1RW

You can contact the Information Commissioners Office on 0303123 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

END OF PRIVACY NOTICE