



OUR FULL GDPR AND PRIVACY POLICY

By using the website '<https://talktodavid.ltd>' and/or the services of **Talk to David Ltd**, you consent to the Processing of your Personal Data as described in this Privacy Policy.

WHO ARE WE

We are Talk to David Ltd. A small company providing Counselling services in Hampshire, Berkshire and Surrey, as well as providing online Counselling services to those residing in England.

We are committed to safeguarding both your data and your privacy.

Our company Number 8110321 is registered in England and Wales.

Our company is registered with the information commissioner office in England and Wales.

We are a registered data controller and Our ICO number is ZB333320

POLICY CONTENTS AND STRUCTURE

This policy is '**OUR FULL GDPR and PRIVACY POLICY**' which describes how we classify and protect your information whether it is provided via our website, in person, or by electronic transfer. It also includes our GDPR STATEMENT ON YOUR LEGAL RIGHTS UNDER GDPR

For transparency, **Annex A** identifies other data controllers who are involved in processing electronic financial transactions.

Our GDPR footprint is explained at **Annex B** which lists who we share your data with and where your data is processed, stored or sent.

It also contains '**OUR WEBSITE COOKIE and PRIVACY POLICY**' at **Annex C** which specifically covers the handling of data and cookies by the website '<https://TalktoDavid.Ltd>'.

WE ARE A REGISTERED DATA CONTROLLER

We are a registered data controller and Our ICO number is ZB333320. As a registered data controller, you have the right to lodge a complaint with the UK supervisory authority <https://ico.org.uk/>

WHO TO CONTACT FOR DATA AND PRIVACY ISSUES

If you have any questions or problems regarding the use of your Personal Data we will gladly assist you. you can Contact us by email at Ask@talktodavid.ltd

OUR GDPR POLICY AND STATEMENT

The following describes how we (Talk to David Ltd) classify and protect your information whether it is provided via our website, in person, or by electronic transfer. In summary it

- States your GDPR rights
- States the legal justifications we use for recording and later storing your confidential data (including both personal information and special category data)
 - It says we use several reasons identified in Data protection law to collect and process your personal data. Including: **Consent, Legitimate interest, Contractual obligations, Vital Interests, and Legal obligations.**
 - It says what you choose to discuss in Counselling is voluntary, however notes of your discussions, are made, used or retained based on four legal purposes – Your initial **consent** in providing that data, our retention or use of some of that data to **Protect your or others vital interests** from serious harm, **to provide you with health or social care or treatment**, and to support **any complaints or claims**
- States how long we keep your information for. It:
 - says that for initial discussions and enquiries we may keep your data for up to 3 months.
 - says we may keep your information for 7 years after termination of counselling (or 7 years after you turn 18).
 - says we may keep business and accounting data for 7 years
 - says we may store website login, preference, and system information for 5 years.

GDPR STATEMENT ON YOUR LEGAL RIGHTS UNDER GDPR

Under the General Data Protection Regulations 2018, you have the legal right to:

- **To be informed** – 'Our full GDPR and Privacy policy' explains how we use your data
- **Access** - You are allowed to see your notes. This is facilitated by making a formal request.
- **Rectification** – You can ask us to amend/correct your records (e.g. change of name / address)
- **Erasure** - Under GDPR, you can request your data to be erased. (However, for counselling records, insurance companies and ethical bodies ask for records to be available.)
- **To know how long your records are kept** – see 'Our full GDPR and Privacy policy' for details.
 - Records are kept for up to 7 years after termination of therapy and then destroyed.
 - For clients under 18, records are kept for up to 7 years after the child turns 18.
- **Data portability** – you can request a copy of the data we hold about you.
- **Restrict processing** – You can ask us to stop making further records.
- **Object to processing** – You can object to how we process your data.
- **Withdraw Consent** – You have the right to withdraw your consent at any time.
- **Profiling** – you can request information about any automated decision making used by us.

For your information we do not currently use any automated decision making or profiling that is not interpreted by a human being.



LEGAL BASES (IN GDPR) FOR HOW WE USE YOUR PERSONAL INFORMATION

We use several reasons identified in Data protection law to collect and process your personal data.

CONSENT

We are happy to respond to counselling enquiries up to and including the no obligation initial discussion based on your consent. As these are based on your consent you can request the deletion of all notes.

If you choose to proceed to counselling with us, then these initial emails and notes from any no obligation initial discussion will be covered under our legitimate interest. (See Legitimate interest - current and previous clients)

CONSENT – POST COUNSELLING QUESTIONNAIRES AND FEEDBACK FORMS

To understand and monitor the effectiveness of our service we send out requests for feedback including questionnaires and feedback forms. You can opt out of these requests. Completion of these forms is voluntary and by consent. As these are based on your consent you can request their deletion.

LEGITIMATE INTEREST

We require your personal information to pursue our legitimate interests in a way that is reasonably expected of a counselling service, and does not materially impact your rights, freedoms or interests.

LEGITIMATE INTEREST – COUNSELLING ENQUIRIES THAT BECOME CLIENTS

For counselling enquiries that become counselling clients - We retain, the date of your initial enquiry, your enquiry reference/number, the date of any no obligation initial discussion, initial discussion agreements, notes* and correspondence* for a period of 7 years to allow for complaints purposes.

LEGITIMATE INTEREST – CURRENT AND PREVIOUS COUNSELLING CLIENTS

For current and previous counselling clients – In addition to the above 'Counselling enquiries that become clients' information we retain your first name, surname, email address, attendance, your client number, invoices, descriptor, Counselling agreements, privacy and GDPR agreements, case notes*, session notes*, key emails* the date you requested deletion/corrections, the last date of contact and key attachments* for a period of 7 years to allow for accounting and complaints purposes. We also retain banking data (see Legitimate interest – Finance).

(*Note: We may reduce or delete the content of: Emails, attachments, Case notes and Session notes once the data is no longer relevant).

LEGITIMATE INTEREST - WEBSITE

For website users – we use security plugins to protect the site from unauthorised or malicious acts. By accessing the site Talk to David Ltd, or attempting to login we will process, and may log your IP address, username, email address, system data and browser information.



LEGITIMATE INTEREST - BUSINESS

For business contacts – As part of running our company we create, process, store, retain, transmit, modify and delete information that may relate to a business, a contact within that business or an individual. This includes names, emails, telephone numbers and any documentation that passes between us. Areas covered include Supervision, referrals, accounting, information technology, agreements, contracts, insurance, and banking data (see Legitimate interest – Finance).

LEGITIMATE INTEREST – FINANCE

Any (staff, business contacts or client) financial transactions, including invoice and payments are recorded in our accounts and processed by our Bank NatWest. These are retained for 7 years.

Any (staff, business contacts or client) financial transactions that use Invoices provided by our payment provider Zettle, are recorded in our accounts. These are retained for 7 years. To create the invoice we may record, store and process your Customer Information including e-mail address, name, address, personal identification number (or equivalent), trade name, registration number, telephone number and information concerning the purchase and when paid. We may also provide and share those Invoice details with our payment provider Zettle to allow them to process the invoice. You will then receive an e-mail from Zettle, which includes the invoice and a link to a website where you can pay the invoice. Independently Zettle will then be responsible for controlling and processing your card details (which will not be shared with us) – for further information see the section on INDEPENDENT DATA CONTROLLERS – PAYMENT PROVIDERS.

CONTRACTUAL OBLIGATIONS

For counselling clients – We need your personal information in order to comply with our contractual requirements involving the provision of a counselling service.

In addition to above 'legitimate interest' information we create, process, store, transmit, modify and delete – detailed notes, handwritten notes, emails, 'contact and emergency contact forms', referrals

VITAL INTERESTS

This legal basis for processing exists primarily where information (your name, location, address, date of birth, current issue) is shared to protect you or others from serious harm. (For more detail see 'Our terms and conditions' - Confidentiality and Disclosure statements)

LEGAL OBLIGATION

The law may require us to collect, process, store and transmit information relating to you. (For more detail see 'Our terms and conditions' - Confidentiality and Disclosure statements)

LEGAL OBLIGATION - WEBSITE

For website users – we use security plugins to protect the site from unauthorised or malicious acts, and to record Cookie and service permissions and consents. By accessing the site Talk to David Ltd, or attempting to login we will process, and may log your IP address, username, system data, preferences and browser information. (For more detail see 'Our Website Privacy policy')

LEGAL BASES TO COLLECT AND USE YOUR GDPR SPECIAL CATEGORY DATA

Processing 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 is prohibited under GDPR. Talk to David Ltd uses the following legal permissions from Article 9 to record and use your special category data.

*(a) **the data subject has given explicit consent** to the processing of those personal data for one or more specified purposes,*

*(c) processing is necessary to **protect the vital interests** of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;*

*(f) processing is necessary for the establishment, exercise or **defence of legal claims***

...

*(h) processing is necessary for ... **the provision of health or social care or treatment** ... or pursuant to contract with a health professional ...*

What you choose to discuss in Counselling is voluntary, however the Counsellor may make notes of your discussions, these are made, used or retained based on four legal purposes – Your initial **consent** in providing that data, our retention or use of some of that data to **Protect your or others vital interests** from serious harm, **to provide you with health or social care or treatment**, and to support **any complaints or claims**

HOW LONG DO WE KEEP YOUR DATA

Applies to: Counselling enquiries	Personal Information (1)	First name, Surname, Email address, phone number, your initial enquiry, your enquiry reference/number, initial discussion agreement, the date of any initial discussion, the date you requested deletion, and the last date of contact, contact and emergency contact form.	Retained for 3 months to support enquiry or transfer to counselling
Applies to: Counselling enquiries that convert to counselling and to: Counselling and previous counselling clients	Personal Information (2)	<i>First name, Surname, Email address, phone number, date of your initial enquiry, your initial enquiry, your enquiry reference/number, initial discussion agreement, the date of any initial discussion, the date you requested deletion, and the last date of contact, contact and emergency contact form.</i> Attendance records, your client number, invoices, client log, descriptor, Counselling agreements, privacy and GDPR agreements, case notes*, session notes*, key emails* and key attachments*, referrals	for a period of 7 years from last session to allow for accounting and complaints purposes.
Financial transactions	Personal Information (3)	Invoices, bank statements, name and address on invoice, name on card or account for transactions. Reference number. The date of attendance and payment. <i>Data may be shared and used by independent payment providers</i>	Retained for 7 years for accounting and business purposes.
Website users	Personal Information (4)	IP address, User login details and log, Cookie preferences	Retained for 5 years for security and complaints purposes.
Website users sending contact and enquiry forms	Personal Information (5)	Data contained within Contact and GDPR enquiry forms	1 month, to allow transmission of data. Then handled as per personal information 1or2
Applies to: Counselling enquiries	Special Category data (1)	Detailed counselling, enquiry or initial discussion notes, client material	Retained for 3 months to support enquiry or transfer to counselling
Applies to: Current counselling clients	Special Category data (2)	Detailed counselling, enquiry or initial discussion notes, Detailed counselling notes, client material	Retained for 3 months from last session to support return to counselling
Applies to: Counselling and previous counselling clients	Special Category data (3)	case notes*, session notes*, referrals, key emails* and key attachments* (*Note: We may reduce or delete the content once the data is no longer relevant for ongoing counselling).	Retained for 7 years, or 7 years after turning 18. For accounting and complaints purposes.



ANNEX A - OTHER DATA CONTROLLERS

INDEPENDENT DATA CONTROLLERS – PAYMENT PROVIDERS

If you choose to pay using means other than cash on delivery, then your data will be processed through payment providers. These providers are independent data controllers even if they may share a limited amount of your information with us.

National Westminster Bank - For Electronic Bank transfers

<https://www.natwest.com/privacy-policy.html>

Zettle - For card payments, electronic receipts, and payment links.

<https://www.zettle.com/gb/legal/privacy-policy>

e.g. CARD PAYMENTS USING A CARD READER - If you choose to pay by card using the card reader then Zettle will be Independently responsible for controlling and processing your card details (which will not be shared with us).

e.g. CARD PAYMENTS USING A PAYMENT LINK - If you choose to pay by card using a payment link then Zettle will be Independently responsible for processing your card details (which will not be shared with us). Zettle also controls the link but will not store information about the recipient.

e.g. ELECTRONIC RECEIPTS - If you choose to have a Zettle receipt sent to you via email or text message. Zettle will Independently store and link your email or phone number to your card number. This means that your email address or mobile number will be pre-filled in the receipt view for your convenience the next time you buy something from a seller who uses the Zettle service. <https://www.zettle.com/gb/help/articles/2258543-how-we-process-contact-details-of-cardholders>.

ANNEX B OUR GDPR FOOTPRINT

WHO WE SHARE YOUR DATA WITH AND WHERE IS YOUR DATA SENT

OFFICE DOCUMENTATION, ONLINE MEETINGS, INFORMATION TRANSFER AND EMAIL

- CLINICAL-DATA
 - We use encrypted Proton products for email, calendar, and secure virtual storage. Proton is hosted in Switzerland (A GDPR approved country).
 - We use office computing equipment located in the UK.
 - We use Microsoft Products for office documentation.
 - We use physical filing located in the UK.
 - We use android, windows and web browsers to monitor and respond to email, phone and text.
 - We use android, windows and web browsers to access encrypted Proton products.
 - We use Zoom for holding online counselling sessions. We use local encryption settings so that the encryption settings reside in the UK and are not available to Zoom.

- GENERAL CORRESPONDANCE, ATTENDANCE, FINANCE and NON-CLINICAL DATA
 - We use web-based portals to book rooms for counselling.
 - We use Microsoft Online storage for non-clinical data.
 - We use encrypted Proton products for email, calendar, and virtual storage. Proton is hosted in Switzerland (A GDPR approved country).
 - We use office computing equipment located in the UK.
 - We use Microsoft Products for office documentation.
 - We use physical filing located in the UK.
 - We use android windows and web browsers to monitor and respond to email, phone and text.
 - We use android, windows and web browsers to access encrypted Proton products.
 - We use Zoom for holding online discussions. We use local encryption settings so that the encryption settings reside in the UK and are not available to Zoom.
 - We use NatWest and Zettle applications to process financial transactions

WEBSITE HOSTING

IONOS is the host for our website. As such it provides the security, storage and processing that lies behind our website.

IONOS may process, store, transfer and log both user data, and any content provided thru or provided via the 'TalktoDavid.Ltd' website.

WEBSITE - EMAIL PROVIDERS

For Login users only: If you request a password reset, your IP address will be included in the reset email.



ANNEX C - HOW TALK TO DAVID LTD SUPPORTS YOUR PRIVACY ON OUR WEBSITE

OUR WEBSITE COOKIE AND PRIVACY POLICY

WHO WE ARE

We are Talk to David Ltd a small company that provides high quality counselling.

Counselling can be provided either face to face in Bagshot (GU19) or Guildford (GU2), or online to those in England.

Our website address is: <https://talktodavid.ltd>

WHAT DOES THIS WEBSITE COOKIE AND PRIVACY POLICY RELATE TO?

This cookie and privacy policy only applies to the website <https://talktodavid.ltd>

COOKIES

No cookies are used by this site (unless you attempt to login)

Standard users: As this website only provides viewers with access to pre-written informational content. No cookies are used (unless you attempt to login)

For users attempting to login: If you visit our login page, we will set a temporary cookie to determine if your browser accepts cookies. This cookie contains no personal data and is discarded when you close your browser.

THIS SITE CONTAINS LINKS TO OTHER WEBSITES

Links on this site may take you to external websites. When you arrive at the other websites, those websites behave in the exact same way as if you are visiting the other website directly from your browser.

ESSENTIAL PROCESSING AND DATA COLLECTION RELATED TO LOGINS

For those attempting to login or access restricted areas (only): Your IP address and system/browser information will be processed and may be recorded.

Be Advised: **By logging in, attempting to login, or attempting to access restricted areas of this site you acknowledge and understand that your IP address, username, system data and browser information will be processed, and may be logged by the security plugins installed on this site.**

For authorised Login users (only): Your login will be logged, and your IP address and system/browser information will be processed and may be recorded.



WHO WE SHARE YOUR DATA WITH

For Login users only: If you request a password reset, your IP address will be included in the reset email.

WEBSITE HOSTING

IONOS is the host for this website. As such it provides the security, storage and processing that lies behind our website.

IONOS may process, store, transfer and log both user data, and any content provided thru or provided via the 'TalktoDavid.Ltd' website.

HOW LONG WE RETAIN YOUR DATA

For login users and those attempting to login or access restricted area: If you login or attempt to login to this website we will process and store your computer IP address and other technical data as part of our online security system. Login Data can be held for 5 years.

WHAT RIGHTS YOU HAVE OVER YOUR DATA

If you have an authorised account on this site, you can request to receive an exported file of the personal data we hold about you, including any data you have provided to us. You can also request that we erase any personal data we hold about you. This does not include any data we are obliged to keep for administrative, legal, or security purposes.

WHERE IS YOUR DATA IS SENT

We do not share any data from this website

For standard users: We do not collect any data, and thus do not share it or send it anywhere.

For users attempting to login: Login data is held on the website server.

WHAT IS THE LATEST VERSION OF THIS WEBSITE COOKIE AND PRIVACY POLICY

Latest version 2024v1.0 last updated on 21/1/2024