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Data Protection Privacy notice

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1. Purpose of privacy notice

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 and more obligations to organisations holding your personal data.

One of the rights is a right to be informed, which means I give you even more information than I do now about the way in which I use, share and store your personal information.

This means that I will be publishing this privacy notice so you can access this information, along with information about the increased rights you have in relation to the information I hold about you and the legal basis on which I am using it.

This new privacy notice comes into effect and will be published on my website by 25 May 2018.

2. Who am I?

Sara Mayne is the data controller at the acupuncture practice and teaching studio (address & contact details above). This means I decide how your personal data is processed and for what purposes.

3. Whose information does this privacy notice apply to?

This privacy notice applies to information I collect from:

- patients and students;
- prospective patients and students;
- former patients and students;
- people who subscribe to my newsletters;
- visitors to my website

4. 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 person's natural sex life or sexual orientation are examples of special category data I may hold about you include your patient notes.

5. How do I process your personal data? Sections 1 to 23

I 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 measures are in place to protect personal data. I use your personal data for the purposes set out below.

Important note applying to all emails with previous, current and prospective clients and students

I am 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 but I will 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 me is within the bounds of the law.

1. I use your name, address, telephone number and email address to make and rearrange appointments or to inform students of my teaching schedule and relevant changes.
2. I use your name, address, telephone number and email address, only if I have your explicit consent, to send you marketing materials
3. Questionnaires
 - a. Pre- 1st appointment questionnaires for acupuncture tell me about your medical conditions and medication used to make a traditional Chinese medical pre assessment
 - b. Pre- 1st attendance questionnaires for students who attend classes or one-one lessons tell me about your current health and medication in relationship to exercise so modifications can be made to exercise programs if necessary.
4. I keep a permanent attendance register which records the name and date of all clients and students attending treatments and/or classes to keep a clear record of when you attended 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.
5. I 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.
6. I use your presenting complaint, symptoms reported by you and date of birth for the purposes of making a full traditional diagnosis, formulating treatment strategy and treatment planning and/or exercise programs.
7. I use any relevant medical and family history you have told me for making a full traditional diagnosis, formulating treatment strategy and treatment planning.
8. I 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

9. I use my clinical findings (such as pulse and tongue diagnosis) about your health and wellbeing for making a full traditional diagnosis, and formulating treatment strategy and treatment planning.
10. 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.
11. I record and use 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.
12. In the case of referral to another modality or locum treatment, the sharing of my clients' or students' personal details and case history is done so with full consent of the client or student. The sharing of information in this instance will be verbal and direct to the practitioner or a face to face passing of a relevant paper summary. The client can be present and have copies of any written notes if requested.
13. I 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.
14. I keep accident records for any patients or visitors 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.
15. 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.
16. Where relevant I 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.
17. I maintain paper records for clients and students and are stored in locked filing cabinets in the consulting room.
18. Name, phone numbers and email addresses may also be stored on my mobile phone which has a 6 digit security passcode or my unique finger print to unlock. Email addresses are stored on a pass-worded email account and pass-worded MailChimp e-newsletter service
19. Any transportation of records for clients home or hospital visits occurs in a locked case.
20. Client receipts are occasionally emailed at the request of the client. A paper copy is stored in their paper file and the digital document is then deleted. No client records or receipts are stored digitally
21. Accounts: Client or student first name initial and surname only, date of attendance and payment and payment method were entered into my annual accounts for HMRC and sent via email to my accountant.

22. I currently use Xero secure accounting package and this records all payments again using first name initial and surname to identify payment. This software is linked to my business banking account and is password secure.

23. Payment and bank details

- a. All cheques are kept secure in a locked filing cabinet until they are deposited at the bank at the earliest opportunity
- b. For bank transfers by clients and payments made to clients.
 - i. Client name and bank details are displayed on my bank statements that are stored in a locked filing cabinet. Online banking accounts are protected using the bank's own security pass codes in addition to computer and phone pass codes. I do not hold any bank details in any other format.

6. Those who complain about my services, section 23

24. When I receive a complaint from a person I 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.

I will only use the personal information I collect to process the complaint and to check on the level of service I provide. I 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, I will try to respect that. 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 complaints to the British Acupuncture Council or my insurance company.

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.

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

All files are paper files and if the necessity to transport them from the premises arises then they are carried in a locked case.

7. Subscribers to my newsletters, sections 24 and 30

25. I maintain and use records of subscribers to my e-newsletters, only with their consent, for marketing purposes.

26. I use a third party provider, MailChimp, to deliver my e-newsletters. I gather statistics around email opening and clicks using industry standard technologies including clear gifs to help me monitor and improve my e-newsletter. For information, please see the MailChimp privacy notice.
27. I send e-newsletters to your email address which is stored on my personal passworded MailChimp account and also on my password protected business email account.
28. I access my business email and MailChimp accounts using a pass-worded computer or pass coded iPhone or iPad. The iPhone also has fingerprint protection
29. You can unsubscribe to the e-newsletter at any time either by using the link at the bottom of the MailChimp email or by contacting me directly.
30. I hold records of names and email addresses only on the email and MailChimp accounts for the purposes of e-newsletters
31. I send two e-newsletters per month maximum however the norm is one per month.

8. My website users, sections 31– 36

32. When someone visits my website I use a third party service, Google Analytics, to collect standard internet log information and details of visitor behaviour patterns. I do this to find out things such as the number of visitors to the various parts of the site. This information is only processed in a way which does not identify anyone. I do not make, and do not allow Google to make, any attempt to find out the identities of those visiting our website. If I do want to collect personally identifiable information through our website, I will be transparent about this. I will make it clear when I collect personal information and will explain what we intend to do with it.
33. I use website cookies to improve user experience of my website by enabling my website to 'remember' users, either for the duration of their visit - using a 'session cookie' - or for repeat visits - using a 'persistent cookie'.
34. My website search is powered by SiteMaker. Search queries and results are logged anonymously to help me improve my website and search functionality. No user-specific data is collected by me or any third party.
35. I use a third party service, MoonFruit to help maintain the security and performance of my website. To deliver this service it processes the IP addresses of visitors to my website.
36. I use a third party service, MoonFruit, to host my website including publishing our blog. This site is hosted at MoonFruit, which is run by SiteMaker. I use a standard MoonFruit service 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 me improve it. MoonFruit requires visitors that want to

post a comment to enter a name and email address. For more information about how MoonFruit processes data, please see <https://www.moonfruit.com/tc>.

37. When you contact me via the emailing link on the website to request information I will reply to your email but not automatically add your details to the e-mailing list. However you can request to be included at any time.

9. 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 any paramedics or emergency medical staff in the event of accident or injury requiring emergency treatment
- with the relevant authority such as the police or a court, if necessary for compliance with a legal obligation to which I am 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.
- In the event of my death the British Acupuncture Council will be informed by my executors and any records will be handled in accordance with the British Acupuncture Councils guidelines.

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/>

10. How long do I keep your personal data?

I keep your personal data for no longer than reasonably necessary.

I keep patient and student records for a period of 7 years following the last recorded treatment or class in accordance with the British Acupuncture Code of Professional Conduct and HMRC records.

<https://www.acupuncture.org.uk/public-content/effective-practice/bacc-professional-codes.html>

The rationale for this retention period for personal data legal claims, complaints, for safeguarding purposes and tax purposes.

The dates on record for each client and student are checked on at regular intervals and are destroyed by shredding if the last recorded date for treatment or class falls 7 years ago.

For clients under the age of 18 at the time of their last treatment or class records will be held until the client reaches 25 years of age.

11. Your rights and your personal data

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

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 I am processing information using a lawful purpose other than consent.
- The right to request 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), (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 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.

Any breach in the security of the data I hold about you will be notified to you within 72 hours of the breach

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/>

12. Further processing

If I wish to use your personal data for a new purpose, not covered by this Privacy Notice, then 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, I 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 me, Sara Mayne at 7, Heathlands Drive, Maidenhead, Berks SL6 4NF. Phone: 01628 673377 or mobile: 077327 05644 or email saramayne1@gmail.com

You can contact the Information Commissioners Office on 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.

END OF PRIVACY NOTICE

Appendix 1

Covid-19 Track and Trace data protection

Recording your details and how your information is used

To support [NHS Test and Trace](#) (part of the Department for Health and Social Care) in England, I have been mandated by law to collect and keep a limited record of patients and visitors who come onto the premises, for the purpose of contact tracing. By doing this, and by sharing these records with NHS Test and Trace where requested, I can help to identify people who may have been exposed to the coronavirus.

As a patient/visitor of Sara Mayne, Acupuncture Home Practice, you will be asked to provide the following basic information:

✕ your name

✕ contact phone number

✕ date of visit, and your arrival and departure times

As the data controller for the collection of your personal data, I will be responsible for compliance with data protection legislation for as long as I hold your information. When that information is requested by the NHS Test and Trace service, at that point they would be responsible for compliance with data protection legislation for that period of time.

The NHS Test and Trace service, as part of safeguarding your personal data, has in place technical, organisational and administrative security measures to protect your personal information that it receives from us/me, that it holds from loss, misuse, and unauthorised access, disclosure, alteration and destruction.

In addition, if you only interact with me during your visit, my name will be recorded alongside your information.

NHS Test and Trace have asked me to retain this information for 21 days from the date of your visit, to enable contact tracing to be carried out by NHS Test and Trace during that period. I will only share information with NHS Test and Trace if it is specifically requested by them.

For example, if another patient at the clinic reported symptoms and subsequently tested positive, NHS Test and Trace can request the log of patient/visitor details for a particular time period (for example, over a particular treatment slot, day, two-day period).

I will require you to prebook appointments for visits or to complete a form on arrival.

Under government guidance, the information I collect may include information which I would not ordinarily collect from you and which I therefore collect only for the purpose of contact tracing. Information of this type will not be used for other purposes, and NHS Test and Trace will not disclose this information to any third party unless required to do so by law (for example, as a result of receiving a court order). In addition, where the information is only collected for the purpose of contact tracing, it will be destroyed by me 21 days after the date of your visit.

However, the government guidance may also cover information that I would usually collect and hold onto as part of ordinary dealings with you (for example, your name, date of birth and phone number). Where this is the case, this information only will continue to be held after 21 days and I will use it as I usually would, unless and until you tell me not to.

Your information will always be stored and used in compliance with the relevant data protection legislation.

The use of your information is covered by the [General Data Protection Regulations Article 6 \(1\) \(c\)](#) – a legal obligation which this clinic is subject to. The legal obligation to which I am subject, means that I am mandated by law, by a set of new regulations from the government, to co-operate with the NHS Test and Trace service, in order to help maintain a safe operating environment and to help fight any local outbreak of coronavirus.

By law, you have a number of rights as a data subject, such as the right to be informed, the right to access information held about you and the right to rectification of any inaccurate data that I hold about you.

You have the right to request that I erase personal data about you that I hold (although this is not an absolute right).

You have the right to request that I restrict processing of personal data about you that I hold in certain circumstances.

You have the right to object to processing of personal data about you on grounds relating to your particular situation (also again this right is not absolute).

If you are unhappy or wish to complain about how your information is used, you should contact me in the first instance to resolve your issue.

[Sara Mayne Phone-07732 705644](tel:07732705644) [email-saramayne1@gmail.com](mailto:saramayne1@gmail.com)

If you are still not satisfied, you can complain to the Information Commissioner's Office. Their website address is www.ico.org.uk.

I keep my privacy notice under regular review, and I will make new versions available on my privacy notice page www.saramayne.com or I will email a revised copy to you.