



## **Privacy Policy**

Gender Identity South West is based in Exeter and offers gender identity healthcare services to adults in the region and across the UK. We are committed to protecting and respecting your privacy.

### **1. Introduction**

#### **Purpose of this privacy policy**

This privacy policy aims to give you information on how we collect and process your personal data through your use of this website and the use of our services. It provides an overview of how Gender Identity South West complies with data protection legislation (General Data Protection Regulations (GDPR), 2018) and the legal basis on which any personal data we collect from you, or that you provide to us, either through the use of our website or services, will be processed.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal or sensitive data about you so that you are fully aware of how and why we are using your data.

#### **Data Controller**

Dr Debby Jackson is the data controller for Gender Identity South West and is responsible for the processing of your personal data (referred to as 'we', 'us' or 'our' in this policy). If you wish to discuss this policy, including exercising your rights in relation to your data, then please get in touch using the following contact details:

Email: [enquiries@genderidentitysouthwest.co.uk](mailto:enquiries@genderidentitysouthwest.co.uk)

Post: The Consulting Rooms  
34 Denmark Road  
Exeter  
EX1 1SE

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

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

We keep our privacy policy under regular review. This version was last updated in January 2022.

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.

#### **Third Party Links**

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

## 2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

**Identity Data** includes first name, last name, date of birth.

**Contact Data** including your postal address, email address and telephone number, emergency contact information and your GP contact details.

**Financial Data** includes payment card details and billing address and dates and times of sessions and dates and amounts of payments.

**Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.

**Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.

**Sensitive Data** includes information about:

- your gender concern including your experience of gender and the development of your identity, your assigned sex and any informal, formal and legal changes you have made related to your gender, including name changes
- your physical and mental health including information about your existing and previous medical conditions, medication details, psychiatric history, family history of difficulties and any other relevant health information to enable us to carry out our services
- your social circumstances including information about your social networks, relationships, housing, employment and any history of involvement with the criminal justice system

We require your explicit consent for processing sensitive data, so when you submit your details, we will send you a further communication asking for you to confirm your consent to this processing.

### If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

## 3. How we collect your personal data

We use different methods to collect data from and about you including through:

**Direct interactions.** You may give us your Identity, Contact and Financial and Sensitive Data by filling in forms before or during an appointment, verbally during discussions at our practice, or by corresponding with us by post, phone, email or otherwise.

**Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our cookie policy for further details.

**Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:

Technical Data. Search information from providers such as Google based outside the EU.

Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Stripe based outside the EU.

Sensitive Data from other providers of healthcare and support involved in your care such as your GP, endocrinologist or surgeon or other provider.

#### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data although we will get your consent when collecting or disclosing sensitive data (such as health information). You have the right to withdraw consent to at any time by contacting us.

#### Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new patient	(a) Identity (b) Contact (c) Sensitive	Performance of a contract with you Explicit consent (in the case of sensitive data)
To provide our services including: a) provide our services to you b) facilitate access/refer to other gender specialist services c) Manage payments, fees and charges	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Sensitive Data	Performance of a contract with you Explicit consent (in the case of Sensitive Data).
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation

(b) Asking you to provide feedback via a questionnaire/survey		(c) Necessary for our legitimate interests (to keep our records updated and to evaluate our services)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation

## Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our website may become inaccessible or not function properly. For more information about the cookies we use, please see our Cookie Policy.

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. Disclosures of your personal data

We may share your personal data with the parties set out below for the purposes set out in the table *'Purposes for which we will use your personal data'* above.

- Service providers, acting as processors who provide IT and system administration services (such as Cliniko who provides our document management system and telehealth (online video appointment) facilities).
- Professional advisers, acting as processors or joint controllers, including healthcare professionals (including other psychologists for supervision purposes), lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities, acting as processors or joint controllers, based who require reporting of processing activities in certain circumstances.
- Third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our

instructions. You are advised to review any applicable third party privacy policies to understand how they will be processing your personal data.

## **6. International transfers**

We may transfer your data outside the European Economic Area (**EEA**).

Many of our external third parties are based outside the EEA so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## **7. Data Security**

We 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 your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

Confidential personal information is stored digitally in a secure cloud based system called Clinko (<https://www.cliniko.com/policies/privacy/>) which offers high levels of security. Confidential personal information sent by us by email is encrypted and/or password protected (password sent separately) via Cliniko or Protonmail (<https://protonmail.com/privacy-policy>). Letters sent to professionals such as GPs, by surface mail, are clearly marked Confidential. All electronic devices (e.g. computer, laptop and phone) used to access stored information are themselves password protected. Our website is provided by Wix (<https://www.wix.com/about/privacy>).

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Data retention**

### **How long will you use my personal data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your

personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

Consultation notes and questionnaires will be held for varying lengths of time depending on the content and then carefully disposed of. Some records may be held indefinitely, e.g. if there were any issues that could lead to police investigation in the future.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your data: see *your legal rights* below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. 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 hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold 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.

**Request 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.

If you wish to exercise any of the rights set out above, please contact us.

### **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.