

GDPR, Data protection compliance and the ICO

Introduction

GDPR (General Data Protection Regulations) legislation came into effect in May 2018 and sets out the legal parameters in which personal and sensitive data is handled and managed. GDPR is relevant to all workforce sectors, in particular art therapists who hold sensitive and detailed personal information on clients.

This document provides members with guidelines and general information relating to data protection within the art therapy profession.

1. What is GDPR and data protection and the art therapist role in protecting clients personal and sensitive information?
2. Who is the ICO and why are they important?
3. Good GDPR practice
4. Useful links and supporting guidelines

What is GDPR, data protection and the art therapist's role in protecting clients personal and sensitive information?

GDPR sets out the parameters in which personal and sensitive data is handled and managed. The regulations help ensure businesses, employees and independent workers operate within the law. There are [7 principles](#) to follow.

The [Information Commissioners Office \(ICO\)](#) provide all the information required on how to work within these principles.

1. Lawfulness, fairness, and transparency
2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality (security)
7. Accountability

Why are the principles important?

The [ICO's guide](#) to the data protection principles says:

'The principles lie at the heart of the UK GDPR. They are set out right at the start of the legislation and inform everything that follows. They don't give hard and fast rules, but rather embody the spirit of the general data protection regime - and as such there are very limited exceptions.

Compliance with the spirit of these key principles is therefore a fundamental building block for good data protection practice. It is also key to your compliance with the detailed provisions of the UK GDPR.

Failure to comply with the principles may leave you open to substantial fines.

2. Who is the ICO?

The [ICO](#) is an independent body that upholds information rights. Businesses and those who are self-employed and handle personal data must be registered with the ICO.

Art therapists working within an organisation (such as a school or the NHS) are not required to register with the ICO but will be expected to comply with the parameters set out by their employer, who in turn must also be compliant with the law. Most organisations will provide regular training to employees and keep them up to date with any changes in the legislation.

Self-employed art therapists and those operating in **Private Practice** must be [registered](#) with the ICO.

There is a small fee for therapists, and you will receive a certificate to prove registration and can then be found via a public search once registered.

3. Good GDPR practice

We have created a number of useful guidelines for members:

- [Guidelines on informed consent with adult clients](#)
- [Guidelines on informed consent for CYPs](#)

Our [code of ethics document](#) also includes useful information on:

- Informed consent (section 7)
- Confidentiality (section 10)

4. Useful links and additional information

ICO website

- [A guide to the data protection principles](#)
- [Self-assessment](#)