**Sarah Barfield Counselling**

**Pre -Trial Therapy Privacy Notice**

**Why we are completing this privacy notice:**

This privacy notice is being given to you because the **Pre-Trial Therapy Guidance 2022** applies. This is either because:

* We started our therapy knowing that you either have reported an offence to the police or are contemplating doing so OR
* You have decided to report an offence during your therapy

We have discussed your options regarding pre-trial therapy and have mutually determined to proceed with counselling on the basis that this is in the best interests of your health and wellbeing.

**What kinds of information might be shared with the police/CPS and why:**

As part of our therapy, I will be in possession of personal data relating to you. This will include for example your contact details, and notes that I make after our sessions.

The information you share with me due to its sensitive nature will fall under **‘special category data.’** It is also likely that your counselling notes could be classified as **‘criminal offence data’** The lawful basis for me **processing** this data is that it is necessary for provision of health treatment (counselling) and necessary for a contract with a health professional (in this case a contract between me and you.)

To **share** any of this data with the police the lawful basis would be:

* For the legitimate interests of a third party namely the police
* For the prevention and detection of unlawful acts & necessary in the public interest

Information which falls under the lawful basis category may not rely upon your consent for disclosure and therefore notes could be **subpoenaed without your agreement** if deemed necessary according to the above reasons.

**How I will respond to a disclosure request:**

To the best of my ability, I will take the following steps to ensure that you fully understand the reasons why your counselling records are being requested and how they will be shared:

* I will discuss the police/CPS application for disclosure with you before any of your notes are shared
* I will give you the opportunity to review and sign your notes before disclosure.
* I will ensure I consider the ‘data minimisation principle’ which means I will only disclose as much information as is strictly necessary to comply with the request.
* I will discuss the implications of the disclosure of this material or your decision not to consent with you.
* I will document the circumstances of disclosure within your counselling record.
  + If required, and with your consent, I will signpost you to a specialist agency to obtain an Independent Sexual or Domestic Violence Advisor (ISVA/IDVA) to support you through the criminal justice process.

**What might happen to your data:**

In normal circumstances I would only use your data for the purpose for which it was collected (i.e. a counselling relationship), and it would not be shared, unless falling within a reason to breach confidentiality as detailed in the **Sarah Barfield Counselling Agreement and Sarah Barfield Privacy and Confidentiality Statement.**

However, because our therapy falls under the **Pre-Trial Therapy Guidance 2022** it is important that I make you aware of what might happen to your data:

* If there is a criminal investigation into an allegation made by you, and the police can satisfy me that there is a lawful basis to share your information then it could be passed to the police.
* Under specific circumstances this information could be passed to a Crown Prosecutor who will decide whether a case will be charged.
* Under specific circumstances this information could also be passed to the defence team, this could mean that the suspect sees the material.
* This information could be used in any future trial as part of the defence’s cross examination.

**I sign to acknowledge receipt of this notice:**

**Client Name and Signature ...........................................................................................**

**Counsellor Name and Signature.....................................................................................**

**Date................................................................................................................................**