

# Data Guidance & Protocol for AUDIO IMAGE RECORDING – (AIR)

**The aim of the AIR is to give a voice to service users through art. Where service users consent to co-produce and release the AIR film they are excising their data rights to free speech and active citizenship inline with social inclusion policy. The process has been drawn up in line with legal and ethical advice re data protection, consent and publication guidance via the British Association of Art Therapists (BAAT) and their lawyers Russell, Jones & Walker Solicitors.**

## Data Advice for Art Therapists

As art therapists we deal with a great deal of sensitive personal information and we need to be thoughtful in its handling. You must follow the guidance in the BAAT code of conduct and ethic ([www.baat.org](http://www.baat.org)). All guidance here is in line with BAAT. There are specific laws and principles that currently govern confidentiality and these are as follows: The key legal frameworks for this are given below:

### **Data Protection Act 1998**

The Data Protection Act became law in March 2000. It sets standards that must be satisfied when obtaining, recording, holding, using or disposing of personal data. The Act covers most manual records, e.g.

- Health
- Personal
- Occupational health
- Volunteers

- Finance
- Suppliers
- Contractors
- Card Indices

### **The 8 Data Protection Principles**

Personal data must be:

1. Processed fairly and lawfully
2. Processed for specific purposes
3. Adequate, relevant and not excessive
4. Accurate and kept up to date
5. Not kept for longer than necessary
6. Processed in accordance with the rights of data subjects
  - Subject access
  - Prevention of processing
  - Prevent processing for direct marketing
  - Automated decision taking
  - Compensation
  - Rectification/blocking/erasure
  - Request an assessment
7. Protected by appropriate security (practical and organizational)
8. Not transferred outside of the European Economic Area without adequate protection

This means that Art Therapists must

- Inform data subjects why they are collecting their information, what they are going to do with it and whom they may share it with
- Only use personal information for the purpose(s) for which it was obtained

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- Only collect and keep the information they require (not 'just in case it might be useful one day' e.g. taking evening telephone number when you will only phone in the day), they must have a view as to how it will be used.
- All abbreviations must be explained
- Take care to have mechanism to ensure the info is accurate and up to date
- Check their organizations retention and disposal policy
- NHS organizations (and other may also) have a designated Data Protection officer
- The Information Commissioner's website:  
<http://www.datprotection.gov.uk>

## **Caldicott**

The term 'Caldicott' refers to a review commissioned by the Chief Medical Officer. A review committee, under the chairmanship of Dame Fiona Caldicott, investigated ways in which patient

information is used in the NHS. The review committee made recommendations aimed at improving the way the NHS handles and protects patient information.

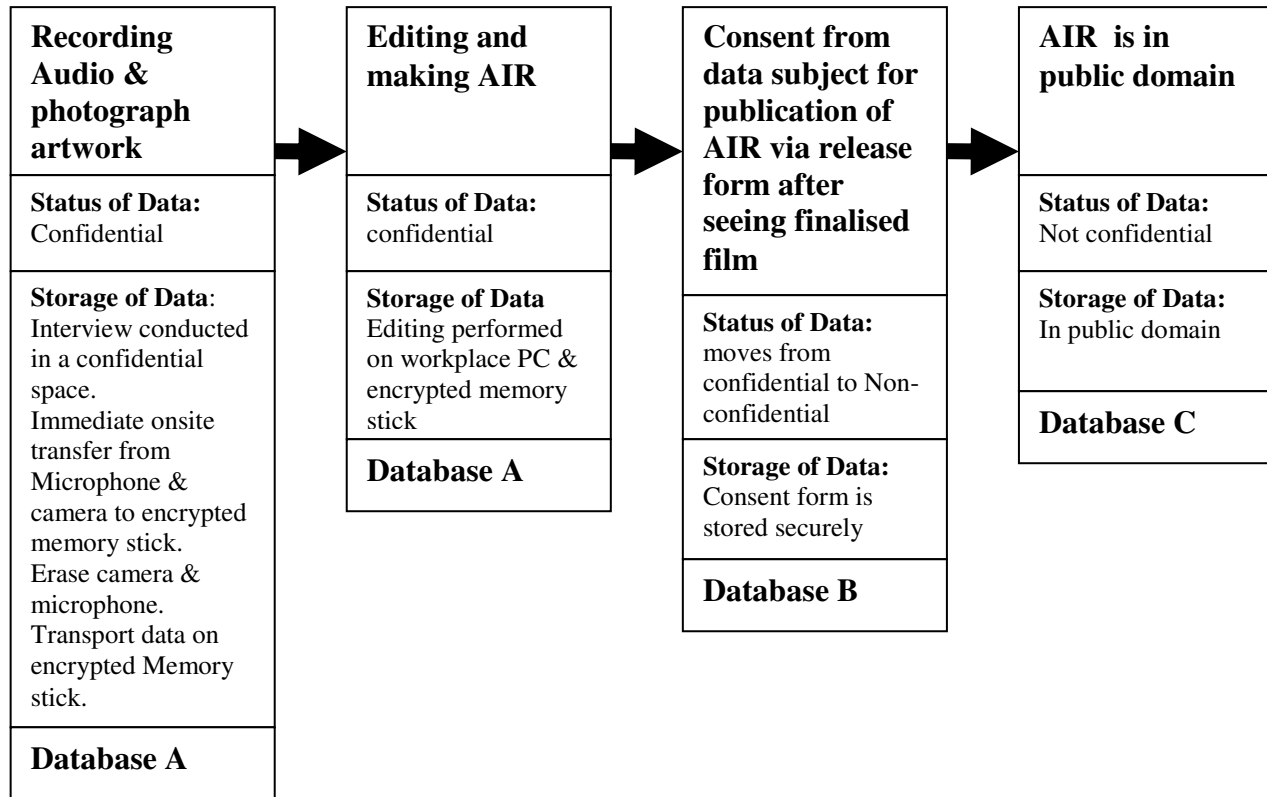
## **Six Caldicott Principles**

1. Justify the purpose(s) of using confidential information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should be on a strict need-to-know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law

Release form is based on latest BAAT legal guidance on consent and electronic data (from Russell Jones walker Solicitors)

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## Data Protection Audio Image Recording Protocol



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## Caldicott Database:

NAME OF DATABASE	LOCATION	PURPOSE OF DATABASE	INFORMATION HELD	DATA CUSTODIAN	WHO HAS ACCESS	ACCESS SAFEGUARDS
A	Portable memory stick	Basis of co-produced AIR	Raw data Private details and personal identifiers	Art Therapist	Art Therapist	Encryption on memory stick
B	Art Therapy office	Consent to publish	Consent details and personal identifiers	Art Therapist	Art Therapist	Locked cupboard in Locked therapies office
C	Finished AIR	Dissemination of public information	No confidential information held	NA	Public	NA