

Appendix 1 - Data Processing Agreement (DPA) related to the NUTRITIONAL THERAPY CONSULTATION Terms of Agreement:

We appreciate that there are three documents for you to review but we wish for purposes of transparency to set out in some detail the arrangement that you are entering into in regard to participating in the Student Teaching Clinic. It is also required of us under the UK's General Data Protection Regulations (UK-GDPR) and Data Protection Act 2018 to set out the Legal basis for us to collect, process and store your Data and to explain your rights.

The Arrangement and GDPR: By entering this Agreement you need to be aware that the relationships you have with the Clinic Supervisor, the student and CNELM (Ltd) herein known as CNELM (Centre for Nutrition Education and Lifestyle Management) - are very different in terms of GDPR.

UK GDPR and the Data Protection Act 2018 incorporated into UK Law at the time the UK withdrew from the European Union (EU). UK GDPR governs how Data about citizens of the UK can be collected, processed and stored. It also governs how providers of services should collect, process, store Data of any other person - regardless of location. The UK is listed by the EU on the list of 'adequacy' which refers to Non-EU Countries that are considered to have a level of equivalency with the European Regulations.

Companies, Businesses and Services Providers under UK GDPR are known as 'Data Controllers'. All individuals about whom Data is processed are known as 'Data Subjects'. Within this Arrangement you, as the Client, are the Data Subject and as such you have a number of 'rights' including rights to access your Data from the Data Controllers, and a right for any Data to be corrected and deleted where legal to do so.

The Clinic Supervisor and CNELM are the Data Controllers. Data Controllers must have a Legal Basis for collecting, processing and storing your Data as well as obligations to retain for agreed periods your Data.

You are the Client of the Clinic Supervisor. Your Nutritional Therapy Consultations are conducted under the supervision of your Clinic Supervisor and under the auspices of their practitioner insurance. Your Clinic Supervisor will be a member of the professional body - British Association for Nutrition and Lifestyle Medicine (BANT) and registered with the Voluntary Regulatory Body, the Complementary and Natural Healthcare Council (CNHC).

Your Nutritional Therapy Practitioner, the Clinic Supervisor, is the Data Controller for all your clinic documentation that is un-anonymised and they must retain your Data in accordance with the Regulatory requirements of the CNHC and BANT. Therefore, the legal basis for the Clinic Supervisor accessing, processing, storing and retaining your Data is based on your consent, the legitimate interests of the Clinic Supervisor and their legal obligations as well as contractual obligations by virtue of being party to this Agreement. You can request a copy of your Clinic Supervisor's Data Protection and Retention policy directly from the Clinic Supervisor. The Clinic Supervisor's Data Protection and Retention Policy will also set out your rights as a Data Subject to request access to your Data held by them as well as your other rights. The Clinic Supervisor's Data Protection and Retentions Policy will also explain how your Data is securely accessed, processed and stored and deleted by them.

The Clinic Supervisor provides services to CNELM who under Licence Agreement with its Parent Company NS3UK Ltd teaches courses leading to nutritional therapy practice that are accredited by the Nutritional Therapy Education Commission (NTEC). The Clinic Supervisor and CNELM enter into a separate Data Processing Agreement (DPA) which includes additional requirements in the way the Clinic Supervisor processes your Data - which may or may not be expressed in the Clinic Supervisor's own Data Protection and Retention Policy.

The additional requirement of CNELM includes that the Clinic Supervisor uses encrypted email when communicating between some or all parties to this agreement. Equally, the Clinic Supervisor will have access to relevant records relating to the student and your documents as stored by CNELM and is required to work within the CNELM online academic platforms and cloud services. This is to ensure the very highest security and protection for your Data in both transit and storage. This also provides industry standard security and helps to safeguard your Data from unauthorised access.

CNELM is also a Data Controller under this Agreement and specifically is the primary Data Controller for the student and the Supervised Teaching Clinic. For the purpose of this Agreement CNELM collects, accesses, stores and retains your Data as a client based on your Consent, for Contractual Purposes, for Legitimate Interest Purposes and to fulfil its Legal Obligations. A copy of CNELM’s Privacy Statement, Data Protection and Retention Policies can be requested from the Data Manager by emailing datamanager@cnelm.ac.uk or by phone or post.

The Clinic Supervisor will transfer all records to their own practice platforms immediately after each consultation as well as retaining a copy on their CNELM Clinic Supervisor Drive. In the event that the Clinic Supervisor retires or leaves their role within the CNELM Supervised Teaching Clinic then CNELM will deactivate their CNELM Google Drive and securely delete any client Data once the Clinic Supervisor has confirmed they have transferred all such Data. In the event this is not possible then CNELM will deactivate the Clinic Supervisor’s Google Drive but will retain any records in accordance with Data Retention requirements on the Clinic Manager’s Drive.

As a Training Provider of NTEC accredited courses leading to professional practice as a Nutritional Therapist ,CNELM has a legal and contractual obligation to retain your Client Data in anonymised formats for NTEC inspections at accreditation and renewal of accreditation events.

CNELM takes fitness to practice concerns related to the Student Teaching Clinic seriously and will follow the CNELM Policy and Procedure for ‘Managing Concerns’. This will in serious cases involve the CNELM Business and Education Ethics Committee and may lead to the Professional Body (BANT) and where applicable to the CNHC being informed.

CNELM maintains a secured un-anonymised Log that links your details as a Client to the anonymised records used by the Student for academic and assessment purposes. The log is located on the Clinic Manager’s Google Drive. This Log is restricted for access to the Clinic Manager, the PNPD Programme Leaders, The Head of Quality Assurance, Practice Supervisor and Clinic Team Director. CNELM will retain as a back-up a full set of anonymised records of client documentation, including an un-anonymised copy of this agreement in secure storage for the same retention period as required by the Clinic Supervisor. The purpose of this backup is to ensure access to Data in the event that the Clinic Supervisor is no longer available, or in practice.

The Table below lists retention periods for various types of Data and the Legal Basis for collecting, process, storing and retaining your Data - as well as any special conditions:

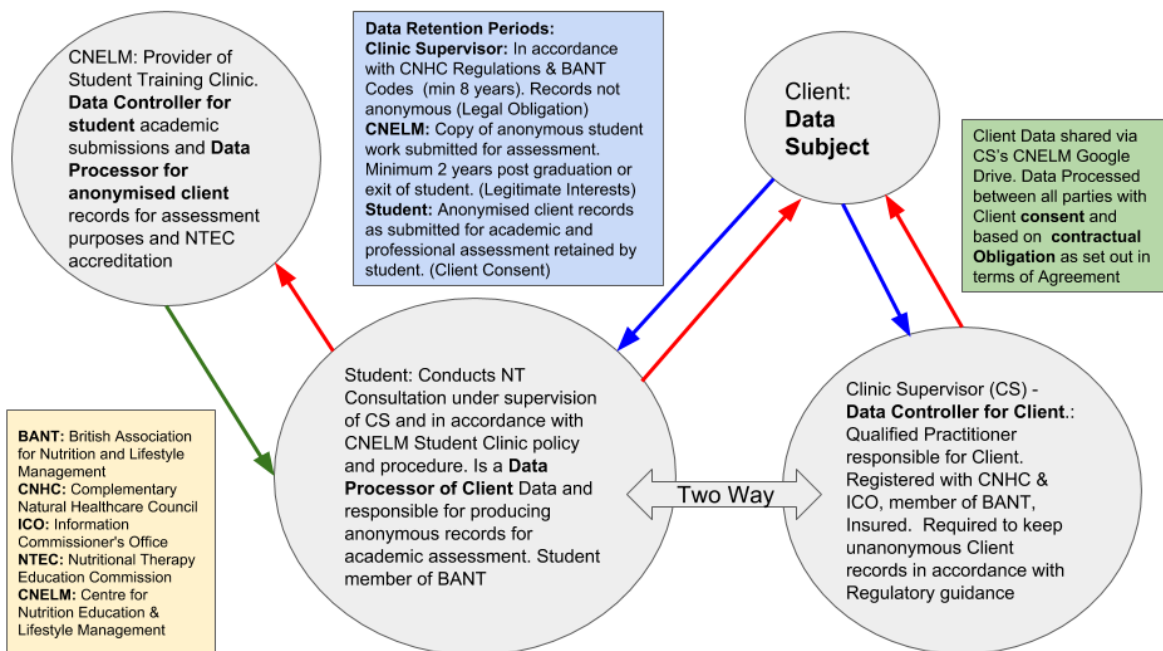
Retention Period	What	Whom	Legal Basis and Condition
BANT (8yrs following last consultation. Unless a child then	1 - Full set of un-anonymous records held in secure storage	Clinic Supervisor	Legal Obligation - condition: must be kept in password protected archive

<p>to clients 25th Birthday unless last consultation was when child aged 17 yrs then to 26th birthday)</p>			<p>Legitimate & Vital Interests. Condition: Password Protected - limited access - securely stored</p>
<p>Data held indefinitely</p>	<p>2 - Log of client details held by the CNELM Clinic Manager in secure storage for audit purposes. Unanonymous copies of TofA and Volunteer Forms</p>	<p>CNELM - Clinic Manager - who is responsible for the Client Database archive</p>	<p>Contractual, Legal, Legitimate & Vital Interests. Condition: Password Protected - limited access - securely stored</p>
<p>A minimum of 2 years after a student graduates from PNPd.</p>	<p>3 - Student Work submitted for assessment - anonymised.</p>	<p>Student, Assessors,</p>	<p>Legitimate Interests - academic. Condition: stored on Moodle within password protected archive</p>
<p>A minimum of 5 years - unless part of NTEC accreditation cycle, in which case 3 years</p>	<p>4 - Recordings of Client Nutritional Therapy Consultations consented by client for being made available to students for general training/observational purposes</p>	<p>Students, Assessors.</p>	<p>Consent of Client and Legitimate Interests: Condition: Password protected archive. Student securely deletes after reflection</p>
<p>A minimum of 2 years after student graduates from nutritional therapy training</p>	<p>5 - Recordings for student/s reflections</p>	<p>Student and Clinic Supervisor</p>	<p>Consent of Client: Condition: stored securely in password protected archive. Students authorised to delete after review</p>
<p>Indefinitely or for as long as student wishes</p>	<p>6. Copies of the Assignment submissions that are anonymous</p>	<p>Student</p>	<p>Student's own work - condition: must be kept in password</p>

<p>Immediately after use for purpose of reflection</p>	<p>7. Un-anonymous work</p>		<p>protected archive</p> <p>Client Consent. Condition: Secure deleted as soon as records made anonymous and encrypted</p>
---	------------------------------------	--	---

NB: CNELM will implement an annual deletion cycle of client Data from Google Drives and Moodle.

Please see Diagram below for an outline of who has what Data and general retention periods:



Naturally in the process of providing a Nutritional Therapy Consultation un-anonymised Data will be processed by the Student and the Clinic Supervisor and CNELM relevant staff will also have access to this Data. This is related to a period of Data processing via secure email or postal services for example, prior to the Student making anonymous copies for academic and assessment purposes. The Clinic Supervisor will retain the un-anonymised records. Once the Student has created the anonymised records then all the un-anonymised records will be securely deleted by CNELM and the Student - except for this signed Agreement and Consent to Data Recording forms.

As part of the Student Teaching Clinic audio (and sometimes video) recordings will be made. These will obviously identify you as the Client and will be considered 'Sensitive Special Category Data' as defined by UK GDPR. As such, the recordings are protected in transit and storage by CNELM and sent securely to the Student for their training and development purposes. As soon as the Student has used the recording for the purpose of academic and clinic reflection then the student is required to securely delete the recording from any device they used to access and store the recording/s. The Student will be required to sign a Clinic

Log confirmation/declaration to confirm the deletion of any un-anonymised clinic/client records including recordings and secure emails.

Therefore, the only person legitimately holding the full un-anonymised recordings should be the Clinic Supervisor. A student signs a declaration at the end of their Clinic Log to confirm deletion of any recordings.

CNELM will retain recordings of Consultations as set out in CNELM's Data Retention Policy - but in brief this will be for 5 years where consent was given to use the recording for wider training purposes. Otherwise the recording will be retained by CNELM for a period of three years for the purpose of NTEC accreditation and External Verifier review and Quality Assurance.

Please Note: the recordings can be used if legally required under Court direction.

For purposes of clarity the Governing Legal jurisdiction will be the Courts of England and Wales in respect of any dispute or claim under this Agreement. We would not give access to your Data to any third parties without either a Court Order from English Courts or following legal advice that it was legal for us to do so.

The supervisory authority for CNELM and the Clinic Supervisor is the Information Commissioner's Office (ICO) and governed under the laws of England and Wales (Data Protection Act 2018 and UK GDPR). You can request the ICO registration number from the Clinic Supervisor or CNELM if required. If you have a complaint about how your Data has been processed or your Rights then you can contact the ICO - their contact details can be found on their website here: <https://ico.org.uk/>

Students are not independently registered with the ICO or their National lead authority (if a EU citizen and/or resident) for the purpose of this Agreement.

CNELM as the organiser of the Supervised Teaching Clinic is responsible for the management of the Supervised Teaching Clinic. As such the Clinic Manager, Janet Lakin janet.lakin@cnelm.ac.uk, organises the dates of available appointments and matches clients, students and Clinic Supervisors. The Supervised Teaching Clinic contracts the actual supervision of the NT consultations to Qualified Nutritional Therapy Practitioners to undertake the role of Clinic Supervisor. The Clinic Supervisor not only is the practitioner responsible for the client they are also responsible for the training and development of the student by means of (a) feedback - verbal and written and (b) to intervene as appropriate to facilitate 'safe' practice for the Client both in the moment and by signing off Client documentation created by the Students - e.g. letters, food plans, recommendations for tests, and potential supplement recommendations.

The Supervised Teaching Clinic log of appointments and calendar is maintained by the Clinic Manager, who will also set-up Zoom Online Video Conferencing Links as applicable so that online consultations can be virtually supervised. Sometimes, clients will send hard copies of documents to CNELM for the attention of either the Clinic Manager. Hard copies received in the post by CNELM are immediately scanned and uploaded to the Client/Student/Clinic Supervisor Google Drive folder known as 'Sub-folder One' by authorised Administrative staff. The hard copies are shredded once scanned.

V: 20/07/23

