

Privacy Policy of “Breakthrough”

“Breakthrough” honours privacy of all our clients hence stipulating a full set of Privacy Policy. Please read for your understanding. To ensure the policy is adequate, “Breakthrough” amends the policy from time to time. In case there are major amendments, we will post notice regarding the changes on our webpage.

1. Application

The Privacy Policy is applicable to and covers personal particulars that ascertain your identify (such as: your name, address, email address or phone number(s)); “Counselling Service Consent Form” and answers you provide in our assessments throughout the course of counselling service.

2. Exemptions

Persons other than the data subject have rights of access to such data. To maintain a balance between relationships of the two parties, the Personal Data (Privacy) Ordinance provides specific exemptions from the requirements of the Ordinance. They include:

- ❖ Personal data held by an individual and concerned only with the management of his personal, family or household affairs are exempted from the provision of the data protection principles (Section 52)
- ❖ Certain employment related personal data are exempted from the requirements on subject access (Section 53-56)
- ❖ Where their application is likely to prejudice certain competing public or social interests, the subject access and use limitation requirements of the Ordinance are exempted, such interests include:
 1. security, defence and international relations (Section 57)
 2. prevention or detection of crime; apprehension or detention of offenders; prevention, preclusion or remedying of unlawful or seriously improper conduct or dishonest or malpractice (Section 58)
 3. protection for the physical and mental health of the data subject and other persons (Section 59)
 4. assessment or collection of any tax or duty and
 5. news activities for public interest (Section 61)

The application of exemptions vested by the Personal Data (Privacy) Ordinance must be approved by the Director of Counselling Service, and in compliance with the Centre’s administrative procedures. When applying exemption items 1 and 2, the Centre is not required to prove to requestor whether or not the Centre holds the related data. It is sufficient to provide a reply in the “Decline Notice” as “the Centre has no responsibility to disclose whether we file the data you request” (Sections 21(2))

3. Confidentiality Policy

- ❖ “Breakthrough” is most concerned with the safety and privacy of the clients. We adhere to the code of conduct in the counselling profession. Content and related data throughout the counselling service is kept in strictest confidence.
- ❖ **Except:**
 1. there are signs the safety of the client or other bodies is in danger
 2. condition of abuse is present (e.g. child abuse, elder abuse)
 3. client’s approval in writing
 4. by court order
- ❖ Exchange of information pertaining to any client can only be made upon approval and a written authorization signed by the client.

- ❖ Any audio/video taping/on site supervision for the purpose of enhancing counselling skill and quality has to be supported by the client's written consent. Any such audio/video tapes have to remain within the premises of the Centre at all times and be properly destroyed when the review/critique or teaching is completed.

4. Policies On Data Enquiry And Data Photocopying

According to the Personal Data (Privacy) Ordinance, the Centre's clients, by way of an application in writing and paying an administrative fee, can request the Centre for access and correcting or photocopying his/her personal particulars. Under certain circumstances, following the Personal Data (Privacy) Ordinance and its terms on exemptions, the data user has the rights to refuse such request.

- ❖ According to the Personal Data (Privacy) Ordinance*, the Centre's clients, by way of an application in writing, can request the Centre for access and correcting or photocopying his/her personal particulars. The data requestor is required to apply in writing or completing the "Application for Case Record Photocopy" form to state the request and reason, provide proof of identity and pay an administrative fee.
- ❖ Within 40 working days from receipt of the application, the Centre has to respond to the requestor whether the Centre retains such record or follow procedures to provide the photocopy.
- ❖ For the protection of the clients' privacy, the Centre will refuse courteously all external requests for clients' data from the media or any persons (including those who claim themselves friends/family of the clients).
- ❖ Where data are classified as confidential or where non-adult clients have expressed refusal to disclose data to their parents, the Centre reserves the rights to reject applications of the clients' parents for data access. (Applicable to Family Counselling)
- ❖ The Centre will retain data of the counsellee up to 2 years after completion of the case. Portions of data that are available for access include:
 1. "Interview Data Form" completed by the counsellee
 2. "Counselling Service Consent Form" completed by the counsellee
 3. "Questionnaire on Problems & Frustration Encountered" completed by the counsellee (53 questions on 2 pages)
- ❖ Administrative fee on photocopying requested by clients is HK\$5 per page.
- ❖ Where supported by a sound reason, the Centre can furnish proof of counselling service provision in response to the counsellee's request. Such proof is in form of a letter that states the duration, frequency and reason for service. The Centre reserves the rights to charge an administrative fee of HK\$100.
- ❖ General case records of the Centre are classified as properties of the Centre and fall outside scope of data access.

* "Personal Data (Privacy) Ordinance" Cap 486,

Section V - Access To & Correction Of Personal Data

18. Data Access Request (1) An individual, or a relevant person on behalf of an individual, may make a request – (a) to be informed by a data user whether the data user holds personal data of which the individual is the data subject; (b) if the data user holds such data, to be supplied by the data user with a copy of such data.

5. Data Storage

The sole purpose of retaining the counsellee's data, that is "Interview Data Form" completed by the counsellee himself/herself, questionnaires and assessment forms, is to provide more effective and more professional counselling service, as such, all data of the case are destroyed 2 years after completion of the case.

During the Course of Counselling Service

- ❖ All case records (including audio/video tapes) should be stored in designated filing cabinets. All filing cabinets must be locked each night by the colleague who leaves the Centre last.
- ❖ All case records have to be kept within the premises and not be taken away from the Centre.

Upon Completion of the Counselling Service

- ❖ All counsellors should finalize all relevant documents within 3-6 months upon completion of the case and hand over to administrative staff for central storage.
- ❖ All closed cases are centrally filed by year, sorted by alphabetical order of the counsellees' names.
- ❖ The Centre administrative staff will properly destroy records that are due for disposal.