# Privacy Notice (How we use children in need and children looked after information)

**[Suggested wording for local authorities to make available to children, young people and their parents or carers to explain how you use their information. You must review and amend to reflect local needs and circumstances, as you will process data that is not solely for use within data collections]**

## The categories of personal information that we process include:

* personal information (such as name, date of birth and address)
* characteristics (such as sex, ethnicity and disability)
* episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection Conference information, Child Protection Plan information, and Children in Need Plan information)
* episodes of being looked after (such as important dates, information on placements)
* outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
* adoptions (such as dates of key court orders and decisions)
* care leavers (such as their activity and what type of accommodation they have)

**[Local authority need to add to this list other categories of children in need and children looked after information that they process. Examples include; relevant medical information, special educational needs information, behavioural information]**

This list is not exhaustive, to access the current list of categories of information we process please see **[link to website or location of data asset register / current privacy notice]**

## Why we collect and use this information

**[Local authority to insert both the purposes and lawful bases for collecting and using children in need and children looked after information]**

We use this personal data to:

1. support these children and monitor their progress
2. provide them with pastoral care
3. assess the quality of our services
4. evaluate and improve our policies on children’s social care

**[Local authority need to add to this list, any other reasons for which they collect and use children in need and children looked after information]**

Under the [UK General Data Protection Regulation (UK GDPR)](https://www.gov.uk/data-protection), the legal bases we rely on for processing personal information are:

**[Local authority to document the lawful basis for each purpose (must include a basis from Article 6, and one from Article 9 where data processed is special category data from the UK GDPR). Ensure you list all relevant legislation that supports the lawful basis. For the Department for Education (DfE) data collections see relevant legislation for each specific** [data collection](https://www.gov.uk/education/data-collection-and-censuses-for-schools) **you collect data for]**

* for the purposes of **[Insert purpose / purposes]** in accordance with the legal basis of **[Insert legal basis]**

In addition, concerning any special category data:

* conditions **[Insert conditions]** of [UK GDPR - Article 9](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/)

**[Local authority to extend to list lawful basis for each purpose they are processing for]**

## Collecting this information

We collect personal information via **[explain method of data collection used]**

Children in need and children looked after information is essential for the local authority’s operational use. Whilst the majority of personal information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

## Storing personal data

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit **[link to website]**

**[Local authority should explain or reference the appropriate data retention documents that show where data is held, the security arrangements (high level), and policies about safe use of data within the local authority. Ideally, this section should link to policies that are easily accessible and regularly reviewed].**

## Who we share this information with

We routinely share this information with:

* the Department for Education (DfE)

**[Local authority need to amend and extend this list to include all other parties with whom they regularly share children in need and children looked after data. For example, schools that pupils attend, NHS, support services. Once stated you also need to explain why you share the data and what makes it lawful below]**

## Why we share this information

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

**[Local authority to explain why they share children in need or children looked after data and insert any relevant legislation for sharing it with those named in ‘Who we share this information with’ section. It is also useful to state how the data is transferred and link to any data retention policies where available]**

### The Department for Education (DfE)

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children in need and children looked after with the Department for Education (DfE) for the purpose of those data collections, under:

**[Local authority to insert relevant legislation for their sharing of information with the Department for Education (DfE). See relevant legislation for each specific** [**data collection**](https://www.gov.uk/education/data-collection-and-censuses-for-schools) **you complete]**

**Example for Children in Need (CIN) and Children Looked After (SSDA903):**

We share children in need and children looked after data with the Department for Education (DfE) on a statutory basis, under [Section 83 of 1989 Children’s Act](https://www.legislation.gov.uk/ukpga/1989/41/section/83?timeline=false), <http://www.legislation.gov.uk/ukpga/2008/23/section/7> and also under [section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/2094/made).

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current [government security policy framework](https://www.gov.uk/government/publications/security-policy-framework).

For more information, please see ‘How Government uses your data’ section.

For privacy information on the data the Department for Education collects and uses, please see:

<https://www.gov.uk/government/publications/privacy-information-children-and-young-people-under-18/privacy-information-children-and-young-people-under-18>.

## Requesting access to your personal data

The UK-GDPR gives parents, carers, and children certain rights about how their information is collected and used. To make a request for your personal information, or be given access to your child’s educational record, contact **[local authority to include details of their administrator / Data Protection Officer]**

You have the following rights:

* the right to be informed about the collection and use of your personal data – this is called ’right to be informed’.
* the right to ask us for copies of personal information we have about you – this is called ’right of access’, this is also known as a subject access request (SAR), data subject access request or right of access request.
* the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification’.
* the right to ask us to delete your personal information – this is called ‘right to erasure’.
* the right to ask us to stop using your information – this is called ‘right to restriction of processing’.
* the ‘right to object to processing’ of your information, in certain circumstances.
* rights in relation to automated decision making and profiling.
* the right to withdraw consent at any time (where relevant).
* the right to [complain to the Information Commissioner](https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights) if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

* right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
* right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
* right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don’t haven’t the right to object, but you have the right to withdraw consent.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at [raise a concern with ICO](https://ico.org.uk/concerns/)

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the ‘How Government uses your data’ section of this notice.

## Withdrawal of consent and the right to lodge a complaint

**[For use where consent is the lawful basis. Therefore, where consent is NOT used, this section will need to be deleted]**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting **[identify a suitable representative here xxxxxx along with their contact details]**

## Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **[insert data notice was drafted/last updated].**

## Contact

If you would like to discuss anything in this privacy notice, please contact: **[Local authority to insert name / contact details of its administrator / Data Protection Officer]**

## How Government uses your data

The data that we lawfully share with the Department for Education (DfE) through data collections helps to:

* develop national policies
* manage local authority performance
* administer and allocate funding
* identify and encourage good practice

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (DfE) go to:

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (DfE) and contains information about pupils in schools in England. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

The data in the NPD is provided as part of the operation of the education system and is used for research and statistical purposes to improve, and promote, the education and well-being of children in England.

The evidence and data provide DfE, education providers, Parliament and the wider public with a clear picture of how the education and children’s services sectors are working in order to better target, and evaluate, policy interventions to help ensure all children are kept safe from harm and receive the best possible education.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-npd-privacy-notice/national-pupil-database-npd-privacy-notice>

## Sharing by the Department for Education (DfE)

DfE will only share pupils’ personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows DfE to share pupils’ personal data with certain third parties, including:

* schools and local authorities
* researchers
* organisations connected with promoting the education or wellbeing of children in England
* other government departments and agencies
* organisations fighting or identifying crime

For more information about the Department for Education’s (DfE) NPD data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact the Department for Education (DfE) to request access to individual level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

**How to find out what personal information the Department for Education (DfE) holds about you**

Under the terms of the UK GDPR, you’re entitled to ask the Department for Education (DfE):

* if they are processing your personal data
* for a description of the data they hold about you
* the reasons they’re holding it and any recipient it may be disclosed to
* for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a ‘subject access request’. Further information on how to do this can be found within the Department for Education’s (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>