

## PRIVACY NOTICE FOR CHILDREN LOOKED AFTER AND CARE LEAVER SERVICES

### **What is the purpose of this document?**

Hartlepool Borough Council (HBC) is committed to protecting the privacy and security of your personal information.

This privacy notice is issued in accordance with the General Data Protection Regulation (GDPR) and describes how we collect and use personal information about you to provide safe and effective services to children looked after by the Local Authority and their families and those young people who were previously looked after and qualify for Care Leaver services.

This notice applies to information we hold about you.

We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### **The Data Protection Legislation**

We will comply with data protection law which includes the GDPR and the Data Protection Act 2018 which states that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

No personal information held by us will be processed unless the requirements of the Data Protection legislation for fair and lawful processing can be met.

## **Who is the Data Controller?**

HBC is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

## **Who is the Data Protection Officer?**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this notice or how we handle your personal information, please contact the DPO:

Laura Stones, Scrutiny and Legal Support Officer  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

[dataprotection@hartlepool.gov.uk](mailto:dataprotection@hartlepool.gov.uk)

You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues.

## **What kind of information we hold about you?**

### **Personal Information**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

### **How we use particularly sensitive information**

“Special categories” of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest

Less commonly, we may process this type of information where it is needed in relation to legal

claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## **HBC's Obligations**

### **What are HBC's obligations?**

We will collect, store, and use the following categories of personal information about you:

- Personal information (such as name, date of birth and address)
- Characteristics (such as gender, ethnicity and disability)
- Information relating to episodes of being looked after (such as important dates, information on placements etc.)
- 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)
- Children with special needs (such as details of special need and support given)

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs and sexual orientation.
- Information about your health including your sexual health, including any medical condition, health and sickness records.
- Genetic information and biometric data.
- Information about criminal convictions and offences.

We will collect special category data for the purposes of carrying out the obligations of the data controller under social protection law and processing is necessary for reasons of public interest.

### **Information about Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

We will only collect information about criminal convictions if it is appropriate. Where appropriate, we will collect information about criminal convictions as part of our ongoing work to safeguard children and as part of the government Troubled Families programme, known as Think Family in Hartlepool. We will use information about criminal convictions and offences in order to safeguard children and to ensure that they are accommodated safely and appropriately

### **How is your personal information collected?**

We collect personal information first and foremost from you and your family members. This is done through the assessment, plan, intervention and review process whilst you are receiving Children Looked After or Care Leaver services. There may be times where we collect information from other organisations such as health care providers, relationships and domestic abuse services, DWP, Police, Probation or Community Rehabilitation Companies, Fire and Rescue services and education providers. We will always ask your permission to do this but there may be times when we have to do this without your permission because we are carrying out a task in the public interest or have a legal obligation to do so.

### **How we will use information about you?**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

**(a) where** the processing is necessary for us to comply with the law (LAW).

**(b) where** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law (PUBLIC TASK)

For example, we may collect and process information about the children in our care and their families and those who qualify for Care Leaver services under the following legislation:

- Children Act 1989
- Children Act 2004
- Children Leaving Care Act 2000
- Adoption and Children Act 2002
- Children and Adoption Act 2006
- Children and Young Persons Act 2008
- Children and Families Act 2014
- Children's Homes (England) Regulation 2015

We may also use your personal information in the following situations, which are likely to be rare:

**(a) Where** the processing is necessary to protect someone's life. (VITAL INTERESTS)

For example, in circumstances where we must act in our capacity as Corporate Parents and a child is not in a position to give their consent either due to their age and level of understanding or because they are incapable of giving consent for medical reasons and it is necessary to share information to protect the life of the child.

## Situations in which we will use your personal information

We need all the categories of information in the list above (see ***What kind of information we hold about you?*** above) primarily to allow us to meet our public tasks and legal obligations to ensure the safety and improved outcomes for those children looked after by us and those qualifying for leaving care services.

We are required, by law, to pass on some of this information to the Department for Education (DfE) which uses it to; develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice. Under certain conditions, DfE may share some of the information we provide to them with third parties (for example for the purpose of research). Any such sharing by DfE is strictly controlled and in compliance with the General Data Protection Regulations 2016/679.

The situations in which we will process your personal information are listed below.

<b>Reason for Processing</b>	<b>Legal Basis e.g Public Task/Contract etc</b>
Ensure children are accommodated safely and appropriately	Legal Obligation
Support and monitor the progress of our children looked after	Legal Obligation
Provide children with pastoral care	Legal Obligation
Sharing of information via the Child Protection Information Sharing System between Social Care and the NHS spine	Legal Obligation
Assess the quality of our services	Public Task
Evaluate and improve our policies on children's social care	Public Task
To assist the Local Safeguarding Board in its duty to ensure the effectiveness of the services delivered to children looked after and care leavers	Public Task
For the functioning and evaluation of the Think Family Programme	Public Task

Some of the above grounds for processing will overlap and there may be more than one ground which justifies our use of your personal information.

## What if I don't want to provide personal information?

If you fail to provide certain information when requested, we may not be able to adequately support and monitor our children looked after and their families or we may be prevented from complying with our legal obligations to keep children safe.

## Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with

the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **Does HBC need your consent?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights as required by law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### **Data Sharing**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We will not transfer your personal information outside the EU.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law or where it is necessary for us to perform a task in the public interest. Examples of the organisations we may need to share information with are:

- Health providers e.g. Hospitals, GPs, Midwives, Mental Health and Emotional Wellbeing services including CAMHS, Drug and Alcohol Services and North East Ambulance Service
- Relationship and Domestic Abuse services
- Child Exploitation Prevention services
- Food banks, Credit Unions, DWP, Job Centre Plus
- Thirteen Housing Group and other social and private landlords
- Police
- National Probation Service and Community Rehabilitation Companies
- Fire and Rescue services
- Nurseries, schools, academies, colleges and other childcare and education providers
- Hartlepool Safeguarding Children Board

### **Which third-parties process my personal information?**

“Third parties” includes third-party service providers (including contractors and designated

agents). The following third-parties process personal information about you for the purposes of ensuring the safety and wellbeing of children and vulnerable adults:

- Health providers e.g. Hospitals, GPs, Midwives, Mental Health and Emotional Wellbeing services including CAMHS, Drug and Alcohol Services and North East Ambulance Service
- Relationship and Domestic Abuse services
- Child Exploitation Prevention services
- Food banks, Credit Unions, DWP, Job Centre Plus
- Thirteen Housing Group and other social and private landlords
- Police
- National Probation Service and Community Rehabilitation Companies
- Fire and Rescue services
- Nurseries, schools, academies, colleges and other childcare and education providers

### **How secure is my information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **Data Security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Data Protection Officer.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Data Retention**

#### **How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available from [www.hartlepool.gov.uk/retention-schedules](http://www.hartlepool.gov.uk/retention-schedules). To determine the appropriate retention period for

personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## **Rights of Access, Correction, Erasure and restriction**

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Data Protection Officer in writing.

For further information on your rights please visit: [www.hartlepool.gov.uk/GDPR](http://www.hartlepool.gov.uk/GDPR)

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee for photocopying.



## **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the DPO.**