



HARTLEPOOL BOROUGH COUNCIL

PRIVACY NOTICE FOR CHILDREN AND YOUNG PEOPLE

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 enable us to carry out specific functions for which we are responsible. We also use this data to derive statistics which inform decisions we make (e.g.) regarding the funding of schools, assess their performance and to set targets for them. These statistics are used in such a way that individual children cannot be identified. We also use this data to meet the statutory duties placed upon us by the Department for Education.

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, Legal and Data Protection Officer
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

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 identifiers and contacts (such as name, date of birth, unique pupil number, contact details and address)
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Assessment and attainment (such as foundation stage, phonics, key stage 1, key stage 2, GCSE, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision placements put in place)
- Free school meal eligibility.
- Safeguarding information such as court orders and professional involvement.

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

- Characteristics such as ethnicity, language
- Special educational needs including the needs and ranking.

How is your personal information collected?

We collect personal information from schools via statutory returns to government departments. These include School Census (three times a year), end of key stage submissions (foundation stage, phonics, key stage 1, key stage 2, GCSE and A-Levels). School level data (attendance, exclusions, name and address) is also collected on a daily basis via CBDS returns from schools in order to populate and update any changes in the Local Authorities centrally held system (EYES). Social Care information is collected through the social worker.

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 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)

We collect and process information about children and young people under the following legislation:

- Education Act 1996 Section 537A
- Education Act 1996 Section 507B
- Regulation 5 of the Education (Pupil Registration) (England) Regulations 2006
- The Education Act 1996 – section 434 (1), (3), (4) & (6) and section 458 (4) & (5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (pupil Registration) (England) (Amendment) Regulations 2016

(d) where the processing is necessary to protect someone’s life. (VITAL ITERESTS)

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 carry out the below processing.

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

Reason for Processing	Legal Basis e.g Public Task/Contract etc
To process and submit key stage/examination results.	Public Task
Complete statistical returns to government departments.	Public Task
To meet the statutory duties placed upon us by the Department for Education	Public Task
Generation of pupil numbers for school funding.	Public Task
To assist in health programmes in schools e.g. vaccination programmes	Public Task
To inform service planning and assess the quality of services provided	Public Task
To enable moderation of assessments carried out by schools/academies	Public Task
To ensure appropriate children are assessed for additional time applications	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 be prevented from complying with our legal obligations.

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.

Automated Decision Making

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

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 UK.

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 to undertake our statutory duties or to perform a task in the public interest. Examples of the organisations we may need to share information with are:

Department for Education

The National Pupil Database (NPD)

Youth Support Services

Primary Care Trusts (PCTs)

Tees Valley Combined Authority

Standards and Testing Agency

NHS North of England Commissioning Support Unit

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 following purposes:

Department for Education

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 and young people with the DfE for the purpose of those data collections. The information that we share with the DfE:

- Underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- Informs 'short term' education policy monitoring and school accountability and intervention (e.g. school GCSE results or Pupil Progress measures).
- Supports longer term research and monitoring of educational policy (e.g how certain subject choices go on to affect education or earnings beyond school).

The National Pupil Database (NPD)

The data collected via the data collections is also used to populate the National Pupil Database (NPD).

THE NPD is owned and managed by the DfE and contains information about pupils in schools in England. It provides evidence on educational performance to inform independent research as well as studies commissioned by the department.

It is held in electronic format for statistical purposes. For more information about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

Youth Support Services – For pupils aged 13 and over, schools are legally required to pass certain information to the provider of Youth Support Services in their area. This is the local authority support service for young people in England who are aged 13 to 19. The school must provide; the name, date of birth, address and name of the pupil's parent(s)/guardians and any further information relevant to the support services' role. This enables for the provision of post 16 education, training providers and careers advisors.

Primary Care Trusts (PCTs) use information about pupils for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individuals. It is necessary for certain health information about children (e.g. such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these PCTs to maintain children's names and addresses for this purpose. PCTs may also provide individual schools and LAs with aggregated health information which will not identify individual children.

Information is also shared to enable them with vaccination programmes within schools. Information is provided in order for them to provide safe and effective vaccination sessions in school and to gain consent form parents.

Information is also shared with the Tees Community Dental Service to enable them with the dental screening programme within schools. Information is provided to them in order to gain consent from parents for any treatment that may be required.

Tees Valley Combined Authority use information about the local authority's school population for the production of ward and neighbourhood statistics and to produce pupil projections. The statistics are used in such a way that individuals cannot be identified.

Standards and Testing Agency

Information is collected from education settings and submitted to the Standards and Testing Agency in order to monitor pupil's assessment and progress for their relevant key stage groups. Aggregated information is used to produce National Performance Tables, progress measures and accountability framework.

NHS North of England Commissioning Support Unit (NECS)

Information about SEND children and young people is shared with NECS in order to monitor the services provided by NHS and monitor the services accessed as part of the local offer. Information shared includes NHS number, SEN provision, date of birth, primary need and secondary need. NHS numbers are pseudonymised so that individual children aren't identified.

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. 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

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.