



Children & Families, Adult Social Care Privacy Notice

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Children & Families, Adult Social Care Privacy Notice

Wigan Council (“a data controller”) is committed to protecting the privacy and security of your personal information.

Wigan Council and organisations who work on behalf of us, collect, store and process personal and sensitive information about children, young people, adults and their families. This information enables us to carry out specific functions that we are responsible for.

We recognise the need to treat personal and sensitive data in a fair and lawful manner. No personal information held by us will be processed unless the requirements for fair and lawful processing can be met.

Our core obligations under the general data protection regulations (GDPR) and commitments are set out in the [Council’s primary privacy notice](#).

This notice provides additional privacy information for:

- Children, young people, adults and their families.

It describes how we collect, use and share personal information about you:

- Before, during and after your relationship with us ends and
- The types of personal information we need to process, including information the law describes as ‘special because of its sensitivity’.

It is important that you read this notice, together with any other privacy information so that you are aware of how and why we use your personal information.

We collect Special Information:

The law treats some types of personal information as ‘special’ because the information requires more protection due to its sensitivity. This information consists of:

- Racial or ethnic origin
- Sexuality and sexual life
- Religious or philosophical beliefs
- Trade Union membership
- Political opinions
- Genetic and bio-metric data
- Physical or mental health
- Criminal convictions and offences

Purpose(s):

The main purposes for processing your personal information are:

Cooperating to improve the well-being of children, young people and adults in relation to:

- physical and mental health and emotional well-being;
 - protection from harm and neglect;
 - education, training and recreation;
 - the contribution made by them to society;
 - social and economic well-being.
- To produce statistics which inform decisions we make, for example regarding the funding of schools and services, to assess their performance and to set targets for them. These statistics are used in different ways, meaning that individual children and young people and adults may or may not be identified in the process. The use of personal data in research and statistics is part of the local authority's legal duty and ensures that funding and other resources are placed where children and young people and adults need them most. This includes sharing for local and national research purposes which if published are anonymised.
- Under the Education and Skills Act 2008, parts 1 and 2 we hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special education need or disability). Education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to us to help us to do this.

We also use personal data to:

- support our children's learning
- monitor and report on their progress
- provide appropriate pastoral care
- for purposes of safeguarding; and
- assess the quality of our services
- show what pupils go on to do after the age of 16.
- secure appropriate support for children and young people with post-16 education and training providers.

Targeted Support Services for young people: 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.

Clinical Commissioning Group (CCG) use information about children and young people and adults for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual pupils. It is necessary for certain health information about children, young people and adults (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 CCGs to maintain children's and adults names and addresses for this purpose. CCGs may also provide individual schools and LAs with aggregated health information which will not identify individual children and adults.

DfE: We share some of the information we collect with the Department for Education (DfE) to enable them to; produce statistics, assess our performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

Department of Health and Social Care: We share some of the information we collect with the Department for Health and Social Care to enable them to; produce statistics, assess our performance, determine the destinations of adults after they have left services and to evaluate Government funded programmes.

The Department for Health and Social Care may share individual level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998 and EU General Data Protection Regulation (GDPR).

Decisions on whether they releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data.

Organisations that provide support: We share information with Organisations that will provide support to meet any needs to enable them to do this in the best possible way.

Health Services, Including GP's: We share information with GP's and organisations that provide services to meet a child or adults health needs. This is to ensure you get the best possible support that is co-ordinated and gives us an accurate record of the services that have been involved in your care.

Police and Courts: We would share information with the Police and Court if legally obliged to do so and to ensure protection of Children and adults from harm.

Categories of personal data:

In order to carry out activities and obligations as providers of services to Children, young people, adults and their families we process personal information in relation to:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Personal demographics (including date of birth, gender, marital status, civil partnerships)
- Contact details such as names, addresses, personal e-mail address, telephone numbers
- Bank account details, payroll and tax/national insurance status information.

Special Categories:

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

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions (including ensuring meaningful equal opportunities monitoring and reporting)
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Identification numbers, location data, online identifier and factors specific to a person's physical, physiological, genetic, mental, economic, cultural or social identity. This could include reports from the Police, Court Information / orders Health information e.g. DNA.

The legal bases we rely on for processing your personal information are:

- The [Education Act 2002](#) the [Children's Act 2004, the Care Act \(2014\)](#)

If you we intend to use your information beyond legal obligations or to exercise specific rights. We will seek your consent to process your information and full guidance will be provided.

AUTOMATED DECISION-MAKING

All the decisions we make about you involve human intervention.

COOKIES

To find out how we use cookies please [see our cookie notice](#).

DATA SHARING

In addition to the general reasons for information sharing described in the Council's primary privacy notice:

There is a legal duty on local authorities and their partners to co-operate in promoting the well-being of children and young people and adults and to make arrangements to safeguard and promote their welfare.

In this context partners who we share information with include:

- educational establishments
- organisations that provide support i.e. residential homes, supported accommodation, personal assistants
- GP's
- the police
- court
- health service providers
- youth justice system
- any other person or organisation exercising functions or are engaged in activities in relation to children and adults in the authority's area
- Department for Education
- Department of Health and Social Care

We also collect or receive information from external parties such as:

DfE may share individual level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998 and EU General Data Protection Regulation (GDPR).

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit the [National pupil database: apply for a data extract](#)

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit the [DfE external data shares and database national pupil requests](#)

DATA RETENTION

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 future legal, accounting, or reporting requirements.

We must continue to retain necessary information in accordance with our corporate records policy to fulfil legal, statutory and regulatory requirements.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

- You have the right to ask for your information and there will not be a charge for you to do so. This is known as a [subject access request](#) and we act in accordance with this policy.
- To ask for your information to be corrected if it is inaccurate or incomplete.
- To ask for your information to be deleted or removed where there is no need for us to continue processing it. (right to be forgotten)
- To ask us to restrict the use of your information.
- To ask us to copy or transfer your information from one IT system to another in a safe and secure way without impacting the quality of the information.
- To object to how your information is used.
- To challenge any decisions made without human intervention (automated decision making).

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 if your request for access is in our view unreasonable or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

RIGHT TO WITHDRAW CONSENT AT ANYTIME

Where the legal reason for processing your personal information is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of our processing prior to the withdrawal of your consent.

If you do not provide consent, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

If you wish to withdraw consent you should notify the person who is your lead professional, for example this might be your Social Worker / Social Care Officer, Start Well Worker or YOT officer. You should put this in writing and we will process your request within 14 days.

YOUR RIGHTS

In addition to the above you have legal rights in relation to your personal information.

You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation.

Full details are contained within the [Council's Primary Privacy Notice](#) and should be read before consenting to this document.

To ask for access to your information you should visit our website where you can make a subject access request or write to us:

Wigan Council, PO Box 100, Wigan WN1 3DS

DATA PROTECTION OFFICER

If you wish to raise a concern or discuss any aspect of this notice please contact our [Data Protection Officer](#).

If you are unhappy with the way that we handle your concern you may complain to the [Information Commissioners Office \(ICO\)](#) at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

The Information Commissioners Office deals with concerns and complaints relating to data protection (GDPR) and freedom of information legislation.

CHANGES TO THIS PRIVACY NOTICE

We may update or revise this privacy notice from time to time and will provide supplementary privacy information as is necessary.