



# Children Missing Education Privacy Notice

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## **(Children Missing Education Privacy Notice)**

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

### **What is the service being provided?**

This service fulfils the Local Authority’s statutory duties in respect of children who are reported missing from education

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:**

- Parents and Carers
- Children

### **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:

- Administering the service we have entered into with you.

- Making decisions about the support you receive from us.
- Identify if your child is not registered at a school and are not receiving a suitable education
- To make reasonable enquiries to find out where your child is if school and the Local Authority are unable to locate them
- Education, training and development requirements of staff to ensure the best support for your child.
- To conduct data analytics studies to review and better understand the support needed by children and young people and to ensure this support is available.
- For equal opportunities and monitoring purposes.

### Categories of personal data

In order to carry out activities and obligations as Local Authority Officers 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
- Education information including any Special Educational Needs and Disability
- Involvement with statutory services such as Social Care or the Youth Offending team
- Involvement with Education, Health and Care agencies
- Receipt of benefits
- Council tax
- Involvement with UK border agency
- Housing
- Involvement with police and/or probation

### Special Categories

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

- Information about your race or ethnicity opinions (including ensuring meaningful equal opportunities monitoring and reporting)
- Offences (including alleged offences), criminal proceedings, outcomes and sentences

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

However, under section 436A of the Education Act 1996 the Local Authority has a duty to make arrangements to establish the identities of children of compulsory school age in our area who are not registered pupils at a school and are not receiving a suitable education otherwise. If we cannot use your data on this basis we would be unable to fulfil our statutory responsibilities under the Education Act 1996.

Our legal basis for using your personal data is “Legal Obligation”.

**Our legal basis for using your special personal data is “Substantial public interest”.**

If 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:

- The Service will hold electronic records on your child, reports, file notes and information provided by other Education Health and Care agencies. This will enable us to access information about our work with you, and help us to identify how we can best provide services for children and young people in Wigan. With your consent, we will share information about your child with relevant Education Health and Care agencies to ensure the best outcomes for your child.

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

- Schools
- Concerned professionals/members of the public
- Colleagues in other local authorities

### **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 ANY TIME**

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 (such as to establish the identity of all Children Missing Education in the borough).

If you wish to withdraw consent you should contact Charmaine Tarring in writing who 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 contact [attendanceenforcement@wigan.gov.uk](mailto:attendanceenforcement@wigan.gov.uk)

### **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.