



# **Education Business Intelligence Unit Privacy Notice**

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## Education Business Intelligence Unit 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:

We use child and young person's data to:

- a) enable us to carry out specific functions for which we are responsible
  - b) derive statistics which inform decisions such as the funding of schools
  - c) assess performance and to set targets for schools
- 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.

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.

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.

### **We routinely share child and young person's information with:**

- youth support services (pupils aged 13+)
- NHS
- Team's within the council to enable them to conduct their duties in accordance with the Privacy Notice for that team or associated data sharing agreement in order to ensure your child receives any associated support or provision that they may be entitled to
- Team's across the council in order to verify the accuracy the data held for your child

### **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 identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics results, 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 entitlement (including any associated transitional protection arrangements and also notify each school your child attends of this entitlement where schools subscribe to our checking service)

### **Special Categories:**

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

- Information about your child's ethnicity

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

1. Article 9 (g) Processing is necessary for reasons of substantial public interest.
  2. Article 6 (c) Processing is necessary for compliance with a legal obligation to which the controller is subject:
- 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 2018 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:

<https://www.gov.uk/guidance/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:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

## **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 management 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.

## **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.