



Virtual School - Previously
Looked After Children
(Adoption Order, Special
Guardianship Order, Child
Placement Order)
Privacy Notice

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(Virtual School – Previously Looked After Children (Adoption Order, Special Guardianship Order, Child Placement Order) Privacy Notice

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

The Virtual School Team is responsible for offering advice and guidance regarding the education provision for children previously looked after currently living within Wigan.

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:

- Staff within the virtual school
- Council staff
- Designated teachers for children looked after
- Designated nurses for children looked after
- Families
- Children previously in the care of a local authority

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:

- To offer appropriate advice and guidance to meet your child's educational needs

Categories of personal data

In order to carry out activities and obligations as the virtual school 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.
- Attendance in education setting
- Academic attainment and progress
- Interventions accessed to improve outcomes
- Exclusions from education settings

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

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

- Statutory duty under 22(3A) of the Children Act 1989 to promote the educational achievement of looked-after children
- The Children and Families Act 2014 amended section 22 of the Children Act 1989 to require every local authority in England to appoint an officer employed by the authority, or another authority, to make sure that its duty to promote the educational achievement of its previously looked-after children is properly discharged
- Local authorities discharge their statutory duty under 23ZZA of the Children Act 1989 (added by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children
- The Care Planning, Placement and Case Review (England) Regulations 2010, as amended
- Promoting the educational achievement of looked-after and previously looked-after children - statutory guidance for local authorities - February 2018.

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:

- We will share your child's information with appropriate schools to assess ability to meet need upon your request

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

- Adoption agencies

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 and Wigan's Virtual School or we may be prevented from complying with our legal obligations such as to provide advice, guidance and support to meet educational needs of children looked after.

If you wish to withdraw consent you can contact the virtual school head via virtualschoolteam@wigan.gov.uk 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 (social care to access your child's care record or refer to subject access request on website).

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.