

## **Harrow Council Children and Young People Services Privacy Notice**

### **Purpose for processing your information**

Harrow Council has a wide range of responsibilities to the children and young people within our area. We hold personal data about children and young people who are Looked After Children or are under a Child Protection Plan as are deemed at risk, and any unborn children with a pre-birth Protection Plan.

We also hold personal data because we provide a range of services to children and their families in order to safeguard and promote their welfare (e.g. a family under stress and struggling to meet their children's needs or for child who is seriously ill or disabled).

We are committed to protecting your privacy when you use our services.

This Privacy Notice explains how we use personal information about you and how we protect your privacy in accordance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018.

This notice applies to any activity involving our use of your personal data collected by or on behalf of the Council.

### **We collect the following information:**

- Personal and family details (such as name, date of birth and address, telephone number, email, NHS number and Unique pupil numbers)
- Characteristics (such as gender, ethnicity, disability, language and Religion)
- Services provided by the Council, attendance and registration data.
- Information relating to episodes of being a child in need (such as referrals, assessments and Child Protection plans and reports)
- Episodes of being looked after (such as important dates, information on placements and legal status, care plans and review reports)
- Outcomes for looked after children (such health, offending, education information)
- Adoptions (such as dates of key court orders, decisions, assessment and planning reports)
- Care leavers (such as their activity and what type of accommodation they have)
- Employment and education details including special educational needs information
- Housing details
- information about your situation given to us by your family/carers and/or other organisations (e.g. GP, Health Visitor, School Nurse, Police, Teacher)
- Relevant physical, behavioural or mental health information
- Youth offending information: Offences (including alleged offences), criminal proceedings, outcomes and sentences
- Records of phone conversations and/or meetings between you or your carers and representatives and Council staff.
- Maintain and record the education/employment activity of all post-16 students, resident in our area, reflecting the full learner picture.

### **How we collect your information**

We collect information in a number of ways; information that is provided by you & via our partner agencies, such as education providers, health professionals, probation & police. This may be provided by letter, email, fax, face-to-face, telephone, online forms etc. The information is stored on our secure electronic systems.

### **Why we collect and use this information**

We use personal data to:

- Support children and monitor their progress
- Carry out our statutory functions and duties including safeguarding, child protection and corporate parenting
- Provide pastoral care
- Assess the quality of our services
- Evaluate and improve our policies for children and young people's services
- Comply with government department research and statistical returns
- Contact post 16 students in the Local Authority area to encourage participation in education and training, in accordance with our statutory duty.

### **The Lawful basis on which we use this information**

We collect and process information about children to whom we provide services including children in our care in order to protect the vital interests of the data subject or of another person, and for the performance of tasks carried out in the public interest or in the exercise of official authority vested in the controller.

### **Legal Obligation and Public Task**

The local authority has a legal obligation to comply with laws affecting the welfare and safeguarding of children and young people. This means that data needs to be shared with partner agencies to enable the local authority to adhere to their legal obligations and to perform tasks in line with their official functions. Under the GDPR consent does not need to be sought to comply with our legal obligations or public tasks.

Where we have previously sought the opinion of a family and called it consent, but this consent is not GDPR compliant, we are confident that this would now fall within the legal obligation or public task bases, we will continue to hold and/or share that information on the basis of legal obligation or public task.

### **Who we share this information with**

- Your data is accessed by staff working for Harrow Children Social Care, and Early Help Services, Youth Offending Team, Fostering and Adoption Services and the Troubled Family Programme, we will sometimes need to share information between council departments so they can carry out their statutory roles and support our service e.g. Housing, Education, Complaints, Business Intelligence, Finance and Legal Services. Staff in each area will only access the personal information that is essential to carry out their work and statutory functions.

- We will also sometimes need to share information other partner organisations such as the police, health & social care organisations, housing associations and educational establishments. E.g. if there is a risk of serious harm or threat to life, or if we are required to do so by any court or law. Where this is necessary, we are required to comply with all aspects of the data protection laws.
- We share information with North West London Integrated Care Board to enable matching of social care and health data regarding vulnerable children. This is done within the secure and carefully controlled Whole Systems Integrated Care (WSIC) environment. Once matched, the data is depersonalised and the resulting aggregated data is used to understand health and care outcomes, and for research, planning and service improvement. The data that is stored and the outputs from this work do not allow for the identification of any individual children.
- Harrow Children's Services are required to pass on some of this information to the Department for Education (DfE), Ministry of Housing, Home Office, Communities and Local Government (MHCLG), Ministry of Justice, Ofsted and other government organisations.
- We will also share relevant information about pupils not in education, training or employment (such as their contact details) aged 16+ with the provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds, enabling them to provide post 16 education and training, youth support services and careers advice.

**We will only share information where it is appropriate and legal to do so.**

## **Why we share this information**

### **Data collection requirements**

We share data with the Government on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Any such sharing by Harrow is strictly controlled and in compliance with the General Data Protection Regulation, 2018 (GDPR).

This data sharing helps to develop national policies, manage local authority performance, administer and allocate funding and to identify and encourage good practice.

### **Safeguarding Children and Young People**

We will share data with relevant partner agencies where necessary to protect a child or young person from neglect or physical, mental or emotional harm; or to protect the physical, mental or emotional well-being of a child or young person, that is compliant with our legal duties or obligations of public interest.

## **How will this affect me?**

The statistics are used in such a way that individuals cannot be identified from them. It won't affect you personally. The data is made anonymous so no one will be able to identify you. The sharing of data will not affect any benefits, services or treatment you may be entitled to.

Personal data will be shared with relevant agencies if there is a risk of serious harm or threat to life; if we are required to do so by any court or law, or in accordance with our obligations of public interest / duty to exercise official authority. Where this is necessary, we are required to comply with all aspects of the data protection laws.

## Details for Transfers

For children looked after where the permanency plan is for the child or young person to be adopted or looked after overseas; data will have to be shared with Immigration and Government departments abroad.

## How long do we keep your information?

The Independent Inquiry into Child Sexual Abuse requires all institutions to retain their records relating to the care of children for the duration of the Inquiry under Section 21 of the Inquiries Act 2005. There is therefore an obligation to preserve records for the Inquiry for as long as is necessary.

After the Independent Inquiry our retention periods will revert back to the following:

- **Children in need and child protection** - 25<sup>th</sup> anniversary of the child's birth or if the child dies before age 18, for 6 years from the date of death. (Limitation Act 1980)
- **Children looked after** - 75<sup>th</sup> anniversary of the child's birth or if the child dies before age 18, for 15 years from the date of death. (Care Planning, Placement and Case Review [England] Regulations 2010, s. 50)
- **Adoption** - 100 years from the date of the adoption order. (Disclosure of Adoption Information [Post-Commencement Adoptions] Regulations 2005, Regulation 6)
- **Children's Homes** - 75<sup>th</sup> anniversary of the child's birth or if the child dies before age 18, for 15 years from the date of death. (Children's Homes (England) Regulations 2015, Regulation 36)
- **Youth Offending data:** Data will be retained in accordance with the rules set by the Ministry of Justice

**Any personal data that we collect or process will only be retained for as long as is necessary for the purpose for which it was collected.**

## Your rights and access to your information

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your information, please visit our [Access to Information](#) page for further details.

The new General Data Protection Regulation also gives you additional rights about the information we hold about you and how we use it; parents, carers and children have the right to request access to information that we hold. To submit a request to access your data visit our [request](#) page.

### **If you have any concerns**

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

You have a right to complain to us if you think we have not complied with our obligation for handling your personal information; please visit our [Compliments and Complaints](#) page.

### **Changes in your circumstances**

You must notify us immediately if there are any changes in your circumstances and personal details so we can maintain an accurate and up to date record of your information.

### **Further Information**

If you require more information about how the Local Authority and /or DfE store and use this data please go to the following websites:

[www.harrow.gov.uk/foi](http://www.harrow.gov.uk/foi)

or

<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>