

**Privacy Notice for Education
Welfare and Education
Otherwise Than At School
(EOTAS) Service**



**Nottingham City Council
Information Compliance**

**Service Area: Education
Directorate: Children and Adults
PN- 138**

02/2021

The Education welfare service are part of Nottingham City Council, who are the data controllers for the personal data that we process about you. When we process personal data relating to you, we will only do so when it is necessary and where we have a lawful reason to do so. The Education Welfare Service has a number of different functions including:

- School Absence Investigation including parenting orders and school attendance orders
- Children Missing from Education
- Elective Home Education
- Children in Entertainment and Employment
- Chaperone Licencing
- Education other than at school service
- Teenage Parents

The service seeks to deliver its services fairly and consistently working within the Education Directorate and in partnership with both internal and external colleagues and partners such as schools, Department of Education, NHS, Youth justice service, police, women's aid, Housing Associations and framework.

We will use the information provided by you for a number of reasons, depending on the service or reasons for interacting with you. This includes:

- Using the information provided by you for Nottingham City Council's elective home education records.
- Using the information to undertake assessments such as priority family assessments , signs of safety assessments, education assessments and for the purposes of parenting assessments
- Using the information to undertake civil non-attendance at schools investigations which may result in a parenting order
- Using the information for the purposes of chaperone licensing. This may involve a DBS check and reference check for adult volunteers and paid chaperones
- Training
- Tracing missing children in the UK or abroad
- Using the information for safeguarding purposes
- Assessing alternative education providers
- Quality assuring education providers
- Safe and well checks- where schools are not able to make contact with a pupil who is considered to be vulnerable
- Home visits
- Monitoring and assessing educational progress

When we process your personal data, we will comply with data protection legislation and enable you to exercise your rights contained within the legislation.

Lawful basis for processing

The basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by Council investigations in line with the:

- Education Act 1996 Sections 437, 438, 440, 442, 443, 444, 444ZA, 444A, 444B, 446, 447 and 559.
- The Education and Inspections Act 2006, Section 103.
- The Children Act 1989, Section 36.
- The Anti-Social Behaviour Act 2003, Section 20.
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016.
- The Children (Performances) (and Activities) (England) Regulations 2014.
- The Children and Young Persons Act 1933, 1963 and 1996.

The information provided by you may include the following special categories of personal data:

- Race or Ethnic origin
- Political opinions
- Religious beliefs
- Physical or mental health
- Sex life or sexual orientation
- Genetic and biometric data

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest and in accordance with the provisions of the UK General Data Protection Regulation and the Data Protection Act 2018.

The information provided by you may also include criminal data. The basis on which this information is processed is for statutory reasons of substantial public interest

Criminal Investigations

Criminal investigations will include:

- Using the information to undertake criminal non-attendance at schools investigations and prosecutions
- Using the information to undertake children in employment and entertainment investigations and prosecutions

The basis under which the Council uses personal data for this purpose is that this is necessary for law enforcement purposes.

Part 3 of the Data Protection Act 2018 applies to processing personal data for 'law enforcement purposes'. When processing personal data for 'law enforcement purposes', the Council are acting as a 'Competent Authority' and have law enforcement powers given to us within statute.

It covers processing for the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties.

In practice, the lawful basis would either be necessary for the performance of a task carried out for law enforcement purposes by Nottingham city council, or based on consent. There may be circumstances where we obtain consent from the individual whose data we are processing, although this will only be appropriate in certain circumstances in the context of law enforcement.

The information provided by you may include the following sensitive personal data:

- Race or Ethnic origin
- Religious beliefs
- Physical or mental health
- Sex life or sexual orientation
- Genetic and biometric data

In order to process this type of data Nottingham City Council must be able to demonstrate that the processing is strictly necessary and satisfy one of the conditions in Schedule 8 or is based on consent.

The conditions for sensitive processing in Schedule 8 of the Act are:

- necessary for statutory purposes for reasons of substantial public interest;
- necessary for the administration of justice;
- necessary to protect the vital interests of the data subject or another individual;
- necessary for safeguarding of children and of individuals at risk'
- personal data already in the public domain (manifestly made public);
- necessary for legal claims;
- necessary for judicial acts
- necessary for the purpose of preventing fraud; and
- necessary for archiving, research or statistical purposes

The Education Welfare & EOTAS Service will mainly process sensitive information for reasons of substantial public interest. We can confirm that there is an Appropriate Policy Document in place.

Do you need to provide the information?

You are obliged by statute to provide some of the information that is specified here.

How long will NCC retain the data for?

In order for us to be able to do our job and to deliver our service effectively, we do need to record certain information. We will keep the information that you provide until it is no longer needed to manage your case or to quality assure our work with you. Depending on your involvement, this can be up to 35 years after our involvement is ended. Chaperone license information will be retained for 3 years. Child entertainment license information is kept for 1 year after the date of the last performance.

The Council publish an Information Asset Register (IAR), this will outline the retention periods for the personal data we process. You can find this IAR on our website <https://geoserver.nottinghamcity.gov.uk/information-asset-register/>

Can the information be used for any other purpose?

The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and the legal basis on which information is used for them can be found at <http://www.nottinghamcity.gov.uk/privacy-statement/>

The information will only be used for another purpose where it is lawful to do so.

Information Rights

The General Data Protection Regulation provides for the following rights as prescribed by the legislation:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data
- A right to request erasure of your data known as ‘the right to be forgotten’
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right to object to processing of data in certain circumstances
- A right regarding automated decision making including profiling

The Data Protection Act 2018 part 3 also provides the following rights:

- A right to request a copy of your information
- A right to request rectification of inaccurate personal data

- A right to request erasure of your data known as ‘the right to be forgotten’
- A right to in certain circumstances to request restriction of processing
- A right in certain circumstances to request portability of your data to another provider
- A right not to be subject automated decision making

However, Nottingham City Council can restrict the above rights in certain circumstances for example to avoid obstructing an investigation, avoid prejudicing the prevention, detection, investigation or prosecution of criminal penalties or to protect the rights and freedoms of others.

Data Protection Officer

The Data Protection Officer is Naomi Matthews. You can contact the data protection officer at:

Loxley House,
Station Street,
Nottingham,
NG2 3NG

or at data.protectionofficer@nottinghamcity.gov.uk .

Information Commissioner’s Office

The Information Commissioner’s Office (ICO) website provides guidance on data protection and privacy matters, you can visit the website at www.ico.org.uk. You also have the right to complain to the ICO if you consider that the Council have processed your personal data incorrectly or that we have breached our obligations to you. You can contact the ICO at:

Wycliffe House,
Water Lane
Wilmslow,
Cheshire
SK95AF

www.ico.org.uk

Further Information

For more information about these rights please refer to our detailed privacy statement at <https://www.nottinghamcity.gov.uk/privacy-statement> .