

Privacy Notice

Children's Services: Information held by Derbyshire County Council

Data Protection Act 2018 and the General Data Protection Regulation (GDPR)

Derbyshire County Council is committed to protecting your personal data, and ensuring it is processed fairly and lawfully. Information you provide to Derbyshire County Council will be processed in accordance with the General Data Protection Regulation, the Data Protection Act 2018 and any subsequent legislation.

Derbyshire County Council is a Data Controller for the purposes of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Why we may use your information?

The information you provide helps us to support you and your family and meet our legal responsibilities, for example as part of an assessment of educational, social care or family support needs.

The data we hold may include personal information such as your name, contact details, gender and age, along with data used to support early help, social care and education related assessments. It may also include special categories of data such as your ethnicity, health and special educational needs & disability (SEND) information. We use the information to:

- Provide appropriate support and care to children and families;
- Assess whether our services are making a difference
- Develop and improve services, including measuring how well the Council as a whole is doing
- Administer and protect public funds

The legal bases for when we may use your personal data are; if it is necessary for compliance with a legal obligation to which the Council is subject to or a task the Council must do or is empowered to do in the public interest.

If we use special categories of data, which include information relating to health and ethnicity, it will be because it is necessary for the conditions relating to substantial public interest or the provision/management of social care systems and services. If we use an alternative legal basis to process your personal data for any reason you will be made aware.

Definitions of legal bases and conditions for using special categories of data can be found on the Information Commissioner's website at: www.ico.org.uk

The statutes that underpin the above legal bases and conditions are:

Education Act 1996
Children and Families Act 2014
Children Act 1989
Education and Inspection Act 2011

Education and Skills Act 2008
Working together to Safeguard Children 2015 – Statutory Guidance
Children and Social Work Act 2017
Adoption and Childrens Act 2002
Foster Services Regulations 2011 – Statutory Guidance
Care Standards Act 2000
Securing Sufficient Accommodation for Looked Children – Statutory Guidance
Crime and Disorder Act 1998
Equalities Act 2010

Who we share data with?

Your information will always be held, used and shared in accordance with Data Protection Act 2018, the General Data Protection Regulation (GDPR), and any subsequent legislation.

We are required by law to pass on personal data relating to children to the Department for Education (DfE), other Government departments and our partner organisations who use it to help with policy development, service delivery, performance management, funding and to assist with the development of good practice.

For further information on who we share information with visit our website at:
www.derbyshire.gov.uk/privacynotices

Wherever possible we will discuss with you the reasons for sharing information and ask for your consent. However, in some circumstances, the law and our policies allow us to share information without your consent (for example when we feel that you or others are at the risk of harm). When sharing information we do so in line with data protection legislation and agreed information sharing protocols.

How long will we keep your information?

Your information will only be held for as long as necessary to achieve the relevant purpose unless we are legally required to retain it for a specific period of time. It will only be held for the periods stated in our Record Retention Schedule, after which it will be destroyed. Our Record Retention Schedule can be found here at:

www.derbyshire.gov.uk/retentionschedules

How do we keep your information secure?

To ensure you or your child's information is kept safe we have the following controls in place:

- a) the information will not be used for any purpose other than those stated in this notice
- b) the information will be held within secure systems/locations, with appropriate levels of security, that comply with relevant data protection legislation
- c) the information will only be shared for lawful purposes and with an appropriate level of security that complies with relevant data protection legislation

For further information on how we keep your information secure visit our website at:

www.derbyshire.gov.uk/datasecurity

What are your rights?

You have the following rights subject to lawful exemptions, to:

- access copies of any records we hold about you or your child
- have any information we hold about you or your child corrected
- have any information we hold about you or your child erased
- restrict how information we hold about you or your child can be used or shared
- object to information about you or your child being held
- have any information we hold about you or your child transferred to a third party
- challenge decisions relating to you or your child made using automated decision making and profiling

We will not give information we hold about you or your child to anyone without your consent unless the law and our policies state we are required to do so. When you give your consent for your or your child's information to be shared you can withdraw that consent at any time.

For further information on your rights, and how to make requests under those rights, visit our website at: www.derbyshire.gov.uk/gdpr

For more detailed advice on your rights visit the Information Commissioner's Office website at: <https://ico.org.uk/>

If you have any concerns or complaints about the information we hold about you or your child or how we use personal data relating to you or your child; first speak, or write, to your named contact in whichever of our services that is currently providing you or your child with support, alternatively contact:

Information Governance Officer
Children's Services Department, Derbyshire County Council
Room 361
County Hall
Matlock
Derbyshire
DE4 3AG
Email: cs.dpandfoi@derbyshire.gov.uk
Telephone: 01629 532011

If you are not satisfied with the response you can request that your concern or complaint is dealt with under the more formal process set out in the Council's Complaints Procedure which can be found at: www.derbyshire.gov.uk/council/complaints

If however, you are dissatisfied with the Council's response to your complaint you can of course contact the:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Website: <https://ico.org.uk/concerns>

* The Information Commissioner's Office deals with concerns and complaints relating to data protection and freedom of information legislation.