

## Children's Services Privacy Notice

Gloucestershire County Council is the Data Controller for the purposes of the Data Protection Act. The information you provide helps us to support you and your family and meet our legal responsibilities, for example assessment of educational, social care or family support needs.

This Privacy Notice explains what information we collect about you, how we use it and your information rights.

The data collected will include personal characteristics such as your name, contact details, family situation, ethnic group and may also include any special educational needs, medical or criminal information. We need to use this personal, and often sensitive information, to:

- Help make the right decisions about the type of service, healthcare or treatment you need;
- Provide appropriate support and care to children and families;
- Assess whether our services are making a difference;
- Develop and improve services and measure how well the council as a whole is doing; and
- Administer and protect public funds

### **What is the legal basis for our use of your personal information?**

The information below shows the legal basis we are relying on to use your personal or special category (sensitive) personal information. A more comprehensive list of the full legal conditions we may rely on can be found under the section on *why we collect and use your information*.

#### **Personal information**

Our legal basis for using your personal information is to meet our legal obligations, exercise our tasks in the public interest and to protect your vital interests.

Special category (sensitive) personal information

Our legal basis for using your special category information are substantial public interest and the delivery of health and social care services.

#### **Criminal Conviction data**

If we hold criminal conviction data about you it is likely to form part of your case documents.

In order to process this type of data we must also meet a specific condition in Schedule 1 of the DPA 2018. In the case of Children's Services these are:

- **Part 1(1)(1)(a)** – with obligations in connection with social security or social protection;
- **Part 1(2)(1)** – necessary for health or social care purposes;
- **Part 1(4)** – necessary for archiving, statistical or historical research purposes that are in the public interest
- **Part 2(6)(2)(a)** – the exercise of a function conferred on a person by an enactment;
- **Part 2(10)(a)** – necessary for the purposes of the prevention of detection of an unlawful act;
- **Part 2(18)(a)** – necessary for the purposes of protecting an individual from neglect or physical, mental or emotional harm; or
- **Part 2(24)** – the processing consists of the disclosure of personal data to an elected representative or person acting under their authority.

Please see our Criminal Conviction Data Policy for more information:  
<https://www.gloucestershire.gov.uk/council-and-democracy/strategies-plans-policies/information-management-and-security-policies/>

## **Who we share data with:**

We provide services in partnership with other agencies and providers on your behalf. Children and families, education and services for children and young people in Gloucestershire often work together to provide support to people living in the community. Sometimes some of the information held needs to be shared with staff working in other council departments, and with the NHS, Police, Schools, and other agencies or organisations working on our behalf. This is to ensure that you receive appropriate care, support and treatment. Sharing this information also helps to avoid you being asked for the same information more than once.

Wherever possible we will discuss with you the reasons for sharing information and listen to your views. When sharing information we do so in line with the Data Protection Act and agreed information sharing protocols.

There are some circumstances where we may share information without needing to discuss this with you, including where:

- we believe there is a risk of serious harm to you or someone else;
- we are required to share information by law;
- we are required to by the Courts; and
- the Police need information in relation to a criminal investigation.

As noted above, to provide you with services and support it is likely that we will need to share some of your information with one or more of the following:

- health service providers, including NHS agencies (e.g. GPs, hospitals, ambulance, health visitor, mental health services)
- education providers
- commissioned service providers
- other charitable and voluntary sector partners (e.g. Barnardos)
- other Gloucestershire County Council social care, education teams and audit functions
- government agencies (e.g. Department for Education, Ofsted, Department for Works and Pensions, Ministry of Housing Communities and Local Government (Troubled Families programme), Border Control and Immigration Services, courts and secure estate, The Probation Service and community rehabilitation companies, Disclosure and Barring Service)
- other local authorities
- employers
- Legal Services, Courts and Children and Family Court Advisory Service (CAFCASS)
- Gloucestershire Safeguarding Boards
- Police
- Fire and Rescue
- Advocacy services
- Direct Payment support services
- Supported lodging or semi-independent accommodation providers
- Adoption agencies and advisors (including voluntary adoption agencies)
- Community hubs
- Youth services
- Foster Carers and related services
- Gloucestershire Social Work Academy (Gloucestershire County Council learning and development unit)

We are required by law to pass on personal child data 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.

We may also use Data Processors to support these activities, for example by providing the systems we need or delivering services on our behalf. These include:

- Our case management systems, such as [LiquidLogic](#), which are used to support our service delivery
- Secure and commissioned care providers
- Day care providers
- Education providers
- Youth services
- Prepaid card providers

For more information about what we share, who we share it with, how we store your data and your rights please see our information sharing leaflet.

## **How we use your information**

### **Why we collect and use your information:**

We collect and use your personal information to provide Children's Services effectively and to meet our statutory duties. The legal framework under which we work is complex and, supplemented by a significant body of statutory guidance. The primary legislation and guidance include:

Achieving Best Evidence 2007
Adoption and Children Act 2002
Care Act 2014
Care Planning Regulations 2015
Care Planning, Placement and Case Review Regulations 2010
Care Standards Act 2000
Childcare Act 2006
Children & Families Act 2014
Children Act 1989 and 2004
Children and Young Persons Act 2008
Children Leaving Care Act 2000
Chronically Sick & Disabled persons Act 1970
Code of Practice for Victims 2006 (Victim's Charter)
Common Law Duty of Confidentiality
Computer Misuse Act 1990
Copyright Design and Patents Act 1988
Crime and Disorder Act 1998 Criminal Justice Act 2003
Criminal Justice and Immigration Act 2008
Data Protection Act 2018
Education Act 1996 (particularly Section 2) & Education Act 2011 (particularly Section 74)

Equalities Act 2010
Health and Social Care Act 2012
Housing Grants, Construction & Recognition Act 1996
Human Rights Act 1998
Information Sharing: Guidance for practitioners and managers 2008
Legal Aid, Sentencing and Punishment of Offenders 2012
NHS Care Records Guarantee for England
Nurses, Midwives and Health Visitors Act 1997
Police and Criminal Evidence Act (PACE) 1984: Code C 3.15
School Premises (England) Regulations 2012
School Standards and Framework Act 1998
Short breaks statutory guidance 2010
Social Care Records Guarantee for England
Special Educational Needs Code of Practice 0-25 years 2015
The Carers & Disabled Children Act 2000
The Carers (Recognition & Services) Act 1995
The Special Educational Needs and Disability Regulations 2014 and Amendment 2015
United Nations Convention on the Rights of the Child 1989
Working Together 2015 and 2018
Youth Justice and Criminal Evidence Act 1999

**The information we collect about you:**

We will collect only the personal information we need to perform our duties. The services may use some or all of the personal information below:

- name and contact details
- date of birth
- family details
- case file information
- lifestyle and social circumstances
- visual images, personal appearance and behaviour
- housing needs
- employment and education details
- financial details
- NHS number
- physical or mental health details
- race or ethnic origin
- religious or other beliefs of a similar nature
- criminal proceedings, outcomes and sentences
- offences (including alleged offences)
- your views on your experience of our services

## How long we keep your information for:

The length of time we keep information varies depending upon different regulations. For example, we keep the records of a child who has been in our care until they are 75.

If there are no specific regulations we may keep information for shorter periods. We may have to keep some records for longer than above and some for a shorter period. How long we keep each type of record is published in the council's [Records Retention and Disposal Schedule](#).

## Your information rights under the Data Protection Act 2018

The General Data Protection Regulation (GDPR) as enacted within the Data Protection Act 2018 gives you the following rights over your information.

- **Right to access to your information:** You have the right to ask for a copy of the information we hold about you or your child. If your child has sufficient capacity to make decisions for themselves, then you may not be entitled to a copy of their information; this is generally considered to be at the age of 13, but may be lower or higher once assessed.

You can request access to your personal information [online](#).

- **Right to correct inaccurate information:** You have the right to ask the council to correct information that you believe is inaccurate or incomplete. We will correct information that is factually inaccurate and look to include your comments on your case where you are not in agreement with the recorded professional view.

Contact our [Information Management Service](#) in writing if you wish to use your right to correct inaccurate information. You will need to let them know what specific information is inaccurate and why, as well as providing details of which teams or services you have been in contact with.

If you simply want to update your address and contact details, contact the person working with you or the Children's Services MASH:

- email: [children'shelpdesk@gloucestershire.gov.uk](mailto:children'shelpdesk@gloucestershire.gov.uk)
- telephone: 01452 426565
- address: Children's Services Front door  
Shire Hall  
Westgate Street  
Gloucester, GL1 2TG

- **Right to be forgotten (erasure):** You have the right to ask the council to delete your information when there is no good reason for us to continue using it. Please be aware that in certain situations we are still allowed to keep and use your information, even when you request that it should be erased. Contact our [Information Management Service](#) in writing if you wish to use your right to be forgotten (erasure).
- **Right to object:** You have the right to object to us using your information if we have collected more than we need to fulfil our duties. Please be aware that in certain situations we are allowed to still use your information if there is good and lawful reason to do so. Contact our [Information Management Service](#) in writing if you wish to use your right to object.

### **If you receive services from an organisation acting on our behalf:**

You have the same legal rights over your information whether you receive services directly through the council's Children's Services or from an organisation acting on our behalf.

If you receive services from an organisation acting on our behalf and you want to use your information rights, contact the organisation directly. They will let the council know that you wish to use your rights.

### **How to contact the council's Information Management Service:**

If you have any questions about this Privacy Notice or how to use any of your information rights, please contact the council's **Information Management Service**:

- email: [dpo@gloucestershire.gov.uk](mailto:dpo@gloucestershire.gov.uk)
- telephone: 01452 32 4000
- address: The Data Protection Officer

Information Management Service  
Shire Hall

Westgate Street

Gloucester, GL1 2TG

### **How to contact the Information Commissioner**

The Information Commissioner's Office (ICO) is an independent authority set up to uphold your information rights.

You can contact the Information Commissioner's Office for more information about your information rights or if you wish to make a complaint about how we use your personal information:

- through their website: <https://ico.org.uk/>
- by telephone: 0303 123 1113
- in writing:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire, SK9 5AF