

## Hampshire Special Educational Needs and Disability Information Advice and Support (SENDIAS) Service – Privacy Notice

### Why do we collect and use this information?

Hampshire County Council is the Data Controller for the purpose of collecting and using information to contribute to the delivery of our statutory duties to provide information, advice and support on issues relating to special educational needs or disability (SEND) relating to children and young people up to the age of 25. Our contracted Hampshire SENDIAS service must comply with the requirements set out in the Children and Families Act 2014 (CFA2014) and the Special Educational Needs and Disability code of practice: 0 to 25 years.

Through our contracted provider, we collect information about you and your child. This personal data is held securely and used to:

- case record on our confidential database so that there is a record of the support that has been offered to you;
- monitor our contracted providers and evaluate the services being provided;
- undertake wider County Council statutory duties in support of your child's education and welfare; and
- ensure compliance with our obligations under the accuracy principle of the General Data Protection Regulation (Article (5)(1)(d)), making sure our records about you and your family are up to date.

Core Assets Children's Services will be a Data Processor for this information acting on our instructions for the purpose of delivering a contract to the County Council around the delivery of the Hampshire SENDIAS service. This will include providing under contract summarised data (such as numbers, locations, topics, school phase) in order to allow us to deliver our statutory functions as well as monitor and evaluate the impact of services being provided. Please note any qualitative reporting such as case studies would be anonymised. Core Assets Children's Services have their own privacy notice which can be accessed via the following link: <http://www.corechildrensservices.co.uk/wp-content/uploads/2018/05/CACS-Privacy-Notice.pdf>

The following sections provide further detail around the information we process setting out what allows us to do this (lawful basis), who we may share it with, how long we keep it for (the retention period), alongside identifying any rights you may have and who to contact if you think we're not handling your information in the right way.

### The categories of information that we collect, hold and share

The following personal and special category information is processed:

- your child's personal information (such as name, date of birth, address, school/college);
- information about your child's characteristics (such as their Special Educational Need(s)/Disability, gender, ethnicity, home language, hard to reach group indicators) and health (such as medical records); and
- your personal information (such as name, address, email, telephone).

### The lawful basis on which we use this information

We collect and use the information ensuring that we comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA2018) requirements for processing through:

- Article 6(1)(e) – the processing is necessary to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law;
- Article 9(2) (g) – Necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguarding measures; and
- Sch.1, Pt.2, 1 - Substantial public interest conditions, for processing under the Data Protection Act 2018.

These articles under the GDPR and DPA2018 are supported by the following specific legislation:

- Sections 19(c), 26(3), 32 and 49 of the Children and Families Act 2014;
- The Special Educational Needs and Disability Regulations 2014; and
- The Special Educational Needs (Personal Budgets) Regulations 2014.

Under this lawful basis we do not require your consent to process this information but we are required, through this privacy notice, to ensure you are fully informed of why we are collecting this information and what we will do with it.

Please note that no automated decision making (decisions taken without a person involved) occurs for any parts of these activities controlled by the County Council. However, we will notify you in writing if this position changes. The County Council does use profiling as part of the service but only as established under the statutory process

### **Storing and Securing Data**

The information you provide will be entered into our contracted services system to create an electronic record. The information held within their system will be kept in line with our retention schedule and then deleted as appropriate. The contracted provider's systems are hosted in secure UK based data centres. No information leaves the European Economic Area (EEA). They have also put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

The County Council takes its data security responsibilities seriously and has policies and procedures in place to ensure any personal data held by us is:

- prevented from being accidentally or deliberately compromised;
- accessed, altered, disclosed or deleted only by those authorised to do so;
- accurate and complete in relation to why we are processing it;
- continually accessible and usable with daily backups; and
- protected by levels of security 'appropriate' to the risks presented by our processing.

The County Council also ensures its IT Department is certified to the internationally recognised standard for information security management, ISO27001.

### **Who do we share information with?**

We do not share information with anyone unless there is a lawful basis that allows us to do so.

Depending on the individual circumstances of each situation, we may have to share this information with other teams within the County Council to fulfil other duties and powers to support our work. These might include areas such as our Children Missing Education (for ensuring the provision of full time education); Data Protection Team (for personal data incidents); Virtual School (for support of children currently and previously looked after); and/or Social Care teams (supporting welfare, safeguarding and corporate parent functions). However, any information shared will be necessary, relevant and proportional to the lawful basis and activity being undertaken.

### **Requesting access to your personal data and your rights**

Under data protection legislation, individuals have the right to request access to information about them that we hold. To make a request for your personal information, or someone you have responsibility for, please contact the Children's Services Department's Subject Access Request (SAR) Team, whose contact details alongside further information around this process can be found via:

<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/accessrecords>

You also have the right to:

- prevent processing for the purpose of direct marketing;
- object to decisions being taken by solely automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

Please note that under the GDPR, there is also a right to erasure but the right to erasure does not provide an absolute 'right to be forgotten'. Where the data being processed is for the purpose of 'performing a task in the public interest or for our official functions, and the task or function has a clear basis in law' (Article 6(1)(e))', this right does not automatically apply.

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

### **Contact Details**

If you would like more information about these services please visit our website via:

<http://www.hampshiresendiass.co.uk/>

For further information on how we handle personal information, your data rights, how to raise a concern about the way we are processing your information and the County Council's Data Protection Officer, please see our General Privacy Notice:

<https://www.hants.gov.uk/aboutthecouncil/strategiesplansandpolicies/dataprotection>