

## **General Privacy Notice (How we use your information)**

### **Learning and Early Support**

#### **The types of information that we collect, hold, use and share include:**

- Personal information (including name, date of birth and address)
- Characteristics (such as gender, ethnicity, language, religion and disability)
- Personal circumstances to enable assessments to be made regarding educational support required
- Assessment information including medical assessments to inform Educational, Health and Care Plans
- Safeguarding information
- Financial information relating to childcare and educational settings
- Information that demonstrates that educational settings and their staff are fit for purpose
- Pupil information including attainment data and information relating to behaviour and incidents in childcare and educational settings
- Information about children, young people and families accessing support under specific programmes e.g. Troubled Families
- Information about children, young people and Families subject to child in need or child protection orders or who are in the care of the local authority

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

We use this data in order to:

- Comply with the law regarding data sharing
- Provide information to government about the childcare and educational settings children and young people attend
- Ensure children and young people get the necessary education, health and care support
- Ensure that children and young people and parents/guardians are safeguarded and attend educational settings regularly
- Provide children, young people and parents/guardians with information about educational settings, schools and colleges they may wish to attend
- Ensure children and young people get a place in an educational setting
- Support children, young people and their families in their learning
- Issue licenses for the employment of children and young people
- Ensure access to funding available for educational services
- Monitor and improve our performance
- Collect information to let us plan future delivery of services

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

We collect and process information because we have legal obligations and statutory duties to support the education and safety of all young people. Kirklees Council is also required to ensure that sufficient,

good quality education provision is available across the district. We also have some instances where the consent of young people or their parents / guardians is required.

We collect and use this information under:

- Article 6: 1(a) –the data subject has given consent to the processing of his or her personal data for one of more specific purposes;
- Article 6: 1(c) - processing is necessary for compliance with a legal obligation to which the controller is subject;
- Article 6: 1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- Article 9: 2(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
- Article 9: 2(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- Article 9: 2(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- Article 9: 2 (g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; and
- Article 9: 2(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The key areas of legislation that direct us to collect and use your information are as follows:

1. The Children (Performances and Activities) (England) Regulations 2014 Education Regulations 2013
2. Children Act 1989 and 2004
3. The Education Act 1996
4. Equalities Act 2010
5. Childcare Act 2006 and 2016
6. Education Act 2015
7. Children, Schools and Families Act 2010
8. Children and Families Act 2014

Kirklees Council also has duties placed under the Local Government Act. Further detail can be found at the Local Government Act Extract 2 Promotion of well-being.

### **Storing this information**

We will hold the information about you securely, and for no longer than reasonably necessary. The length of time that we will hold the information will depend on the reason for collection and processing, and whether or not a specific retention period is outlined in statute. For example, for looked after children the retention period for data is 75 years.

We also ensure that only members of staff with a legitimate reason to access your information have permission to do so. Your information will only be kept for a specific amount in order to comply with statutory requirements of time after which it will be securely destroyed. We will hold your information in line with our Retention Policies in order to ensure we only keep your information for as long as it is needed. In some instances, where multiple amounts of information are stored within our electronic records system, with different retention periods - we will need to keep all your information for the longest specified amount of time.

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

From time to time we may need to share your information with other agencies, government departments or other local authorities to ensure that children, young people and their families receive the necessary learning and safeguarding support. These include:

- Schools and learning settings;
- GPs and Health practitioners;
- Kirklees Children's Safeguarding Board;
- Education and Skills Funding Agency;
- Government Departments including Department for Education and Ministry of Health, Communities and Local Government;
- The Local Government Ombudsman who investigate complaints;
- Legal bodies for court proceedings; and
- Statutory agencies such as Ofsted, police, and probation services.

### **Why we share this information**

We share this information in order to promote the best possible learning support for children, young people and their families ensuring they can have places, attend and thrive in a school or learning setting. We also share information to make sure children, young people and their families are safe and healthy and so they can benefit from the best learning and childcare provision in Kirklees.

### **Further information**

If you would like further information about how we manage your data, please see the privacy notice for Kirklees Council at <http://www.kirklees.gov.uk/privacy>

If you would like further information about this privacy notice, please contact:  
Martin Green – [martin.green@kirklees.gov.uk](mailto:martin.green@kirklees.gov.uk) 01484 221000

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at [DPO@kirklees.gov.uk](mailto:DPO@kirklees.gov.uk) or by ringing 01484 221000.