# Privacy Notice – Children and Young People

This document provides information on how Newcastle City Council uses your child’s/your personal information.  By ‘use’ we mean the various ways it may be processed, including storing and sharing the information.

## The information we collect and use can include:

* Personal details including name, date of birth, gender, age, address, school, and family details, including racial and ethnic origin and religious beliefs (see special categories of data below)
* Contact information such as telephone number and email address
* Name and contact details of a person to be contacted in case of emergency
* Personal identifiers such as unique pupil number, unique learning number, National Insurance number, NHS number, case management system references
* Health information, including disabilities, such as special educational needs (SEN), SEN statements or Education, Health and Care Plans (EHCP) (see special categories of data below)
* Information about any criminal convictions, including involvement with the Youth Offending Team on a Statutory Order (see special categories of data below)
* Educational details, history and pupil data including schools attended, behaviour, attendance and exclusions; educational attainment, assessment information, public exam results, special education needs information and intended post-16 education/training provider
* Whether the young person aged 16 years and above is in education, training or employment
* Personal history including information about a child’s looked-after status, safeguarding reports, and any other relevant information
* Employment history
* Family history and social relationships generally
* Licenses and permits
* Financial details if relevant, including entitlement to free school meals and/or pupil premium, early years funding

**This list is not exhaustive.**

Special Category data is defined as “information concerning your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union activity, genetic data, biometric data, health, sex life and sexual orientation”.  We may only collect and use these types of data when it is relevant and such data will be collected as part of the case work records and information we hold.  Information concerning your child’s/your physical and mental health including special educational needs, racial or ethnic origin, and religious or other beliefs will be relevant.

Information concerning any criminal convictions is afforded a similar special level of protection, and we may collect and use this information where it is relevant, subject to the same safeguards.

For ordinary personal information (that is, all your child’s/your information which is not special category data) we have legal grounds to process this information because it is necessary to comply with a legal duty or fulfil a public task.

## Why we collect and use children and young people’s information

We use personal information primarily to provide suitable education to and care for children and young people.

This includes:

* Securing sufficient school places across Newcastle
* Securing sufficient early years and childcare places across Newcastle and providing information, advice and assistance to parents and prospective parents
* Coordinating school admissions and determining admission applications and the allocation of places through the Fair Access Protocol and managing the transfer of pupils between schools during an academic year and organise school admission appeals
* Monitoring and improving school attendance and undertaking, where necessary, prosecutions for non-school attendance and monitoring children missing from education when removed from the school roll
* Coordinating Independent Review Panels for excluded pupils and ensuring pupils who are permanently excluded from school are provided with a place to continue their learning as quickly as possible
* Identifying, assessing and securing suitable provision for children with special educational needs and/or disabilities, including the issuing and reviewing of Education, Health and Care plans (EHCP), and the provision of advice to schools about specialist school placements and provision for children
* Assessing the learning, social and emotional needs of Newcastle pupils and young people, including therapeutic work
* Supporting pupils unable to attend school due to health needs
* Monitoring, safeguarding and education of children who are being educated at home
* Providing or arranging for the provision of school transport
* Processing free school meal and pupil premium eligibility
* Monitoring and supporting the educational attainment and progress of looked after children, including those who are adopted (from September 2018); or subject to a special guardianship order
* Supporting the educational progress and engagement of pupils from the Gypsy, Roma and Traveller community, and pupils with English as an additional language
* Ensuring the provision of post-16 years education and training, youth support services and careers advice
* Monitoring, enabling and assisting young people year 9 to age 18 (or 16-25 for young people with an EHCP) to participate in education, training or employment
* Ensuring the provision of accredited and non-accredited learning opportunities for adults aged 19+
* Ensuring the provision of residential and outdoor learning opportunities
* Submitting school census returns to the Department for Education (DfE)
* Issuing of child employment and performance licences, chaperone licences, child entertainment licences and performance licences for groups of children
* Services to and monitoring of vulnerable children and young people, including services to children in need, safeguarding, looked after children, children leaving care, children with disabilities, fostering and adoption services
* Enhanced and preventative services, that is, early intervention services such as Early Help
* Specialist services for children and families who may be vulnerable or have higher levels of need such as special education needs or who are at risk of youth offending
* Services to facilitate in the provision of services to families, for example, transport.

We also use this information to assess the quality of our services and evaluate and improve our policies and procedures.

We may also use information in other ways compatible with the above. Primarily this will include supporting the work of other public bodies providing services to children, young people and families.

Newcastle City Council are participating in the Family Valued programme, sponsored by the Department for Education. As part of this, the council will share Children’s Services records with Leeds City Council under their duty to safeguard and promote the welfare of children within their area who are in need, and pseudonymised information will be shared with the What Works Centre for Children’s Social Care.

Newcastle City Council are participating in the ‘Social Workers in Schools programme’, funded by the Department for Education. As part of this, the council will share non-identifiable data with the What Works Centre for Children’s Social Care (as the co-ordinators of the programme) and Cardiff University as the independent evaluators of the programme. Any identifiable personal information will only be shared with the consent of the data subject. For information about how Cardiff University processes your data read the SWIS study privacy notice available at <https://cascadewales.org/research/social-workers-in-schools/>.

## How the law protects you and the legal basis for processing your information

We have legal grounds to process this information because it is necessary for the performance of a task carried out in the public interest.

The tasks we carry out are set out under the:

* Children (Leaving Care) Act 2000
* Adoption & Children Act 2002 and associated regulations
* Children and Social Work Act 2017
* Transport Act 1985
* Education Acts 1944 and 1996
* Children and Young Persons Act 1933 and 1963 and the Children (Performances and Activities) (England) Regulations 2014
* Children Act 1989 and 2004
* Childcare Act 2006
* Education and Inspections Act 2006
* Young People’s Act 2008
* Education and Skills Act 2008
* Education (Information about Individual Pupils) (England) Regulations (2013)
* Children and Families Act 2014
* Education and Adoption Act 2016
* Education (Pupil Registration) (England) Regulations 2006
* Children Act 1908
* Equality Act 2010
* The School and Early Years Finance (England) Regulations 2018

For special category data, we have legal grounds to process this information where it is necessary for reasons in the substantial public interest.  This will include where it is necessary to carry out any of our statutory functions or necessary for protecting individuals at risk.  The law includes safeguards to protect the use of your special category data and any information concerning criminal convictions.

Additionally, and where appropriate, we may seek specific consent to use your child’s/your information in certain ways.  This will normally be where the use of the data is not necessary for the above purposes but may be very useful or helpful to us to provide services.  For example, all marketing and feedback where personal information is obtained alongside, and directed at, individuals, and where personal information, such as photographs/videos, are used for publicity purposes.

## Who we share your information with

* Other departments within the City Council, for example Adult Social Services, transport team
* Education providers, for example schools, 6th form colleges, higher education colleges and other post 16 educational providers
* Childcare settings, for example nurseries
* NHS and other health agencies
* Newcastle Safeguarding Partnership
* Department for Work and Pensions (DWP)
* Education and Skills Funding Agency (ESFA)
* Ofsted
* District councils
* Voluntary agencies providing services
* Police
* Courts and other judicial agencies
* Probation
* Youth Offending Team
* School transport operators
* Qualification awading bodies
* Other central government agencies and public authorities
* Department for Education (DfE) for the following purposes:
	+ in respect of children in need and looked after children to help the DfE develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.
	+ The school census
	+ The National Pupil Database (NPD)
	+ The Client Caseload Information System database regarding the participation of 16/17 years old or 16-25 for young people with an Education and Health Care Plan in education and training.

We share this information without your specific consent as it is reasonable and necessary to do so to fulfil our public tasks or it is otherwise in the substantial public interest to do so.  The law imposes safeguards to protect your privacy in these circumstances.

We will also share your chlid’s/your information, subject to contractual and other legal safeguards, with organisations commissioned to provide services to you and others.

Information is stored electronically on the City Council’s records management system. Additionally, information is securely stored in other mediums, including email accounts and in paper files.  We do not process your information outside of the European Economic Area.

We do not make automated decisions about you and/or your children but if we do in the future we will let you know.

## Collecting and storing children and young person’s information

We collect children and young person’s information via Common Transfer File (CTF) or secure file transfer from schools as well as directly from families or via information shared by other bodies with whom agreements are in place.

Children and young person’s data is essential for the local authority’s operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain personal information to us or if you have a choice in this.

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

We will hold personal information securely and retain it from the child/young person’s date of birth until they reach the age of 25, after which the information is archived or securely destroyed.

## Requesting access to your personal data

Under the Data Protection Act 2018 you have the right to ask for a copy of the information we hold about you/your child. You are also entitled to make a request for personal information on behalf of another adult, provided you have their agreement to do this. Parents, carers or guardians are allowed to make a request for personal information on behalf of their children, although if the children are aged 12 or over then they must give their permission for this.

There is various information that we need from you to help us to find the information that you are interested in and to deal with your request as quickly as possible. We also need you to prove who you are, as we have to be sure that we're giving your personal information out to the correct person. The forms below set out exactly what information we need from you and what you have to give us to prove your identity.

Please note there is a separate form for those only wanting access to Children's Social Care records.

* [Access to Personal Information form](https://www.newcastle.gov.uk/sites/default/files/Access%20to%20information/SARAccesstoYourInfo.pdf) (pdf, 48kb)
* [Access to Children's Social Care records](https://www.newcastle.gov.uk/sites/default/files/Access%20to%20information/childrens_sar.pdf) (pdf, 136kb)

If you have any questions about the form, you can phone the Data Protection team on 0191 211 6500 or e-mail: dataprotection@newcastle.gov.uk.

When you have completed and checked your form, you should submit it, along **with the** **required identification**:

**Email :** dataprotection@newcastle.gov.uk.

**Post or by hand to:**Data Protection
Floor 6
Civic Centre
Newcastle upon Tyne
NE1 8QH

**Please send the Childrens Social Care form to:**

Children's Records Team
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE1 8QH
Tel : 0191 2774636

Once your form has been received and checked, it will be passed onto the appropriate directorate within the council where your information is held. You will be contacted by someone from this directorate to confirm that we have received your request and to let you know what will happen next. For some requests we might have to ask you for some extra information at this point to help us to deal with them.

We will not be able to give you information which identifies other people unless they agree to it, or we think it is reasonable to give you the information without their agreement.

## Contact

If you have any questions about how your personal information is handled, please contact our Data Protection Officer at dataprotection@newcastle.gov.uk or by calling 0191 2116500.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner’s Office (ICO) at:

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.

Alternatively, visit [ico.org.uk](https://ico.org.uk/) or email casework@ico.org.uk

## Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 20 September 2021.