

Privacy Notice

This privacy notice sets out how West Berkshire District Council (the “**Council**”) will use your personal data, and your rights in relation to that personal data. This document describes how and why we collect, store, protect, process and share the data you give to us. It is written in accordance with the UK data protection legislation.

This notice relates to personal data collected under The Education Welfare & Safeguarding Service (EWSS). We will use this information for discharging statutory duties on behalf of West Berkshire Council.

This notice applies to potential, current and former customers of the service and those we have contacted but have opted not to partake in the service. It is important that you read this notice so that you know how and why we use information about you. It is also important that you inform us of any changes to your personal information so that the information which we hold is accurate and current.

Date of Issue: May 2023

Update History:

<i>May 2023</i>	First issue of a new Privacy Notice for the whole Education Welfare & Safeguarding Service (collating all previous privacy notices in one document)

Directorate: People

Service: Education

Team: Education Welfare & Safeguarding Service

About the Organisation

The Council is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **Z6825178**
<https://ico.org.uk/ESDWebPages/Entry/Z6825178>

The Data Protection Officer

Contact details for the Data Protection Officer at the Council can be found at:
<http://info.westberks.gov.uk/dpofficer>

THE PERSONAL DATA WE HOLD ABOUT YOU

The EWSS collects and processes personal data relating to personal situations regarding a child or young person in matters relating to:

- Ensuring regular school attendance including legal action
- Addressing problems relating to absenteeism and non-school attendance
- Elective Home Education
- Children Missing Education
- Regulation of child employment and children in entertainment
- Licensing adult chaperones for child performers

We will process the following personal data about you:

- personal information (such as name, date of birth, unique pupil number, contact details and address)
- characteristics (such as ethnicity, gender, language and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- School attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Behavior information (such as exclusions and any relevant alternative provision placements put in place)
- Medical information (such as details of conditions preventing a pupil from being able to access school)

Additional information we receive from schools and other agencies. In addition to the above, for Chaperone licences, child performer's licences and work permits we also collect:

- References & information about previous chaperone experience,
 - Disclosure & Barring Service checks,
 - driving licence and care insurance details,
 - Details of first aid training,
 - Child's Full Name, date of birth and address
 - Parent/carers name and contact numbers
 - Previous performances undertaken including amounts of monies earned by child
 - Name and address of where the performance takes place to issue licence
 - Date, time and number of rehearsals and performance/s to issue licence
 - Medical declaration to ensure child is medically fit to perform
 - Photograph of child to be placed on licence
 - Child's Current School to ensure regular school attendance if statutory school age & consent from school for absence
 - Details of any education being provided by Production Company to ensure education is maintained.
 - Travel arrangements to performance venue to ensure appropriate safeguarding
 - Address where child will reside during performance if not home address to ensure appropriate safeguarding
 - Name and address of employment (to issue a copy of the work permit)
 - Date employment commences
 - Job role and hours worked
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We will use this data in order to carry out the statutory duties placed upon EWSS on behalf of the local authority.

All of your personal data is collected, and processed using secure electronic systems. The exception to this may be when collecting your data directly from you in which case a paper file may be used for collection purposes and then transferred to an electronic case management system

SOURCE OF YOUR PERSONAL DATA

The EWSS will collect data in a number of ways:

- Via schools when a request for service has been made
- Via production company's when a request for service has been made
- Direct from you or from a child's parent/carer

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Why we use your information	Our legal basis for using your information
<p>EWSS uses the data to enable us to carry out specific functions for which we are responsible for. We will collect and lawfully process information about children and their parent/carers as part of our duties, powers and responsibilities as a local authority as required by the Department for Education (DFE). The legislation, policies and guidance that allow us to do this includes but is not limited to:</p> <ul style="list-style-type: none"> • The Children Act 1989 • The Education Act 1996 • Local Authority Employment of Children Bye Laws 2000 • The Children Act 2004 • The Education Act 2005 • The Education (Penalty Notices) (England) (Amendment) Regulations 2013 • The Children (Performances and Actives)(England) Regulations 2014 • Working Together to Safeguard Children 2015 	<p>Legal Obligation: Article 6(c) of the General Data Protection Regulations ("GDPR") namely processing is necessary for compliance with a legal obligation to which we are subject.</p> <p>The legal basis for processing your special category personal data is Article 9(2)(g) substantial public interest (safeguarding of children)</p>

Why we use your information	Our legal basis for using your information
<ul style="list-style-type: none"> • The Education (Pupil Registration) (England) (Amendment) Regulations 2016 • The Education (Pupil Registration) (England) (Coronavirus) (Amendment) Regulations 2021 • Working Together to Improve School Attendance 2022 <p>In relation to the Chaperone Licence, Performance Licence and Work Permits the data will be used in accordance with:</p> <ul style="list-style-type: none"> • The Children and Young Persons Act 1963 and The Children (Performance and Activities) (England) Regulations 2014 CHILDREN AND YOUNG PERSONS ACTS 1933 TO 1963 (As amended by the Education Acts 1944, 1976 and 1996 and the Children’s Act 1972) The Children (Protection at Work) Regulations 1998 	

SHARING YOUR PERSONAL DATA

You will be able to see and update your data via a written request.

Your data will be seen by employees of the Council relevant to the service or information request you have made.

Where a service or information request requires us to share your data with other parties, a separate privacy notice will describe who that is.

We may share your personal data with West Berkshire Council Services, specifically Children Services, Education Services, Medical Services, Department of Education, Schools, Academies, Inclusion Services, In addition we share information with Legal Services and judicial agencies such as courts if there are legal proceedings. We do not share information about children referred to us with anyone without explicit consent unless doing so in order to perform a public task, the legislation or our policies allow us to do so. In addition to the above in relation to the issue of a Chaperone Licence, Performance Licence and Work Permit we may also share your personal data with the following:

- Council Officers to include Education Welfare and Social Worker
 - Production Company
 - Childs Agent
 - Other Local Authority’s if performance is out of home Local Authority
 - Disclosure and Barring Service
 - Person in receipt of a performance licence whom chaperone is responsible for
 - School staff including teaching staff, management and administration staff
 - Parent/carer
 - Employers of where employment will take place
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We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
 - **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
 - **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
 - **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
 - **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
 - **Request the transfer** of your personal information to another party.
 - **Withdraw consent** to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.
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HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.
