



# Children Missing Education Privacy Notice

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### **(Children Missing Education Privacy Notice)**

Wigan Council (“a data controller”) is committed to protecting the privacy and security of your personal information.

#### **What is the service being provided?**

This service fulfils the Local Authority’s statutory duties in respect of children missing from education.

Our core obligations under the General Data Protection Regulation (GDPR) and commitments are set out in the [Council’s primary privacy notice](#).

#### **This notice provides additional privacy information for:**

- Parents and Carers
- Children

#### **It describes how we collect, use and share personal information about you:**

- Before, during and after your relationship with us ends and
- The types of personal information we need to process, including information the law describes as ‘special’ because of its sensitivity.

It is important that you read this notice, together with any other privacy information so that you are aware of how and why we use your personal information.

#### **Purpose(s)**

The main purposes for processing your personal information are:

- Administering the service we provide.
- Making decisions about the support you receive from us.
- Identifying if your child is not registered at a school and is not receiving an effective, suitable full-time education or where your child is at risk of missing education e.g. due to a reduced timetable.
- To make timely and effective enquiries to find out where your child is, if school and the Local Authority are unable to locate them.
- Education, training and development requirements of staff to ensure the best support for your child.
- To use safeguarding and legal powers where necessary.

- To conduct data analytics studies to review and better understand the support needed by children and young people and to ensure this support is available. For equal opportunities and monitoring purposes.

### Categories of personal data

The Service will hold electronic records on your child, reports, file notes and information provided by statutory services, as mentioned below. This will enable us to access information about our work which will help us to identify how we can best provide services to you and your child and for children and young people in Wigan. In order to carry out activities and obligations as a Local Authority we process personal information in relation to :

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Personal demographics (including date of birth, gender, marital status, civil partnerships)
- Contact details such as names, addresses, personal e-mail address, telephone numbers
- Involvement with Education bodies such as schools,
- Receipt of benefits
- Involvement with UK border agency
- Involvement with police and/or probation

### Special Categories

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity opinions
- Offences (including alleged offences), criminal proceedings, outcomes and sentences
  - Special Educational Needs and Disability
 Involvement with statutory services such as Social Care, school nursing, police, probation, Startwell or the Youth Offending team.

### The legal bases we rely on for processing your personal information are:

Our legal basis for processing your personal data is "Legal Obligation" and "Public Task in the public interest"..

The Local Authority has a duty to make arrangements to establish the identities of children of compulsory school age in our area who are not registered pupils at a school and are not receiving a suitable full-time education otherwise or are at risk of missing education. The local authority has a statutory responsibility to identify and track any student missing education (as set out in 'Students Missing Out on Education', published by Ofsted in November 2013 and the Local Authority inspection framework for children in need of help and protection). If we cannot use your data on this basis we would be unable to fulfil our statutory responsibilities under the Education Act 1996.

We rely on Part VI, Chapter 2 of the Education Act 1996 and, in particular, the duty under 436A, section 175 of the Education Act 2002, section 47 of the Children Act 1989, and section 22 of the Children and Families Act 2014. We process your data in order to fulfil our statutory responsibilities under these Acts and to comply with DfE Departmental and Ofsted guidance for local authorities.

Our legal basis for processing your special personal data is "Substantial public interest".as it is necessary to provide meaningful equal opportunities monitoring and reporting, to safeguard and promote the welfare of children, identify children at risk of harm and to ensure provision of appropriate and person-centred support..

### **AUTOMATED DECISION-MAKING**

All the decisions we make about you involve human intervention.

### **COOKIES**

To find out how we use cookies please [see our cookie notice](#).

### **DATA SHARING**

In addition to the general reasons for information sharing described in the Council's primary privacy notice:

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- We will share information about your child with relevant Education Health and Care agencies and Social Care services such as school, school nursing, social care, UK border agency, police, GP, Probation and Startwell where it is necessary to ensure the best outcomes for your child and to support their public duties, including the duty to safeguard and promote well-being.

We also collect or receive information from housing and council tax to establish where children may be living and with external parties such as:

- Schools
- Concerned professionals/members of the public
- Colleagues in other local authorities

### **DATA RETENTION**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any future legal, accounting, or reporting requirements.

We must continue to retain necessary information in accordance with our corporate records policy to fulfil legal, statutory and regulatory requirements.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

- You have the right to ask for your information and there will not be a charge for you to do so. This is known as a [subject access request](#) and we act in accordance with this procedure.
- To ask for your information to be corrected if it is inaccurate or incomplete.
- To ask for your information to be deleted or removed where there is no need for us to continue processing it (right to be forgotten).
- To ask us to restrict the use of your information.
- To ask us to copy or transfer your information from one IT system to another in a safe and secure way without impacting the quality of the information.
- To object to how your information is used.
- To challenge any decisions made without human intervention (automated decision making).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is in our view unreasonable or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **YOUR RIGHTS**

In addition to the above you have legal rights in relation to your personal information. You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation.

Full details are contained within the [Council's Primary Privacy Notice](#) and should be read before consenting to this document.

To ask for access to your information you should contact [jectaccess@wigan.gov.uk](mailto:jectaccess@wigan.gov.uk)

## **DATA PROTECTION OFFICER**

If you wish to raise a concern or discuss any aspect of this notice please contact our [Data Protection Officer](#).

If you are unhappy with the way that we handle your concern you may complain to the [Information Commissioners Office \(ICO\)](#) at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

The Information Commissioners Office deals with concerns and complaints relating to data protection (GDPR) and freedom of information legislation.

## **CHANGES TO THIS PRIVACY NOTICE**

We may update or revise this privacy notice from time to time and will provide supplementary privacy information as is necessary.