

Privacy Notice

Reference: DP0001
Version No: 1.0
Issue Date: Sept 2023

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 West Berkshire Emotionally-Based School Avoidance (EBSA) Advisory Team. We will use this information to inform and gather information for EBSA Advisory Team involvement with Children and Young People (‘CYP’).

This notice applies to potential, current and former users 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: September 2023

Update History:

September 2023	First issue of a new Privacy Notice for the Emotionally-Based School Avoidance (EBSA) Advisory Team
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Directorate: People
Service: Education
Team: Emotionally-Based School Avoidance Advisory Team

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

We will collect and process the following personal data:

- The name, date of birth and year group of the CYP including family details such as sibling information
- Parent/Carer information (e.g. name, address, email address, telephone number)
- The school/educational institution the CYP is attending
- Contact details of parent/carers (postal address, phone number, email)
- The views of the parent/carers about their CYP's involvement with the EBSA Advisory Team
- The views of the CYP if appropriate

We may also collect and process information known as 'special category data' including:

- Professional reports from child or family assessments
- Race
- Gender
- Ethnic origin
- Health information

From schools and other alternative provision providers, the Council will collect and process:

- Attendance information
- If the CYP has any Special Education Needs
- If the CYP has an Education Health and Care plan
- If other agencies/other West Berkshire Council teams have been involved with the CYP
- The reason for the school requesting involvement from the EBSA Advisory Team
- Details of interventions implemented; things tried to date

The following explains what data is held in relation to the delivery of the EBSA Advisory Team:

EBSA Advisory Team: After working with an individual CYP and/or professionals, the Team may produce a report or record of involvement. This will include personal and confidential information related to the CYP and their family. A copy of any reports will be sent to the school the CYP attends, to the parents/carers, the CYP (where appropriate) and other relevant local authority colleagues. This report is shared to provide support and advice to the school and should not be used for any other reasons. Unless required by law the report should not be shared or the data processed in any other way with any other person without the Council's express permission.

Related CYP documentation: School and parents/carers and other provision providers may provide additional documents to support the EBSA Advisory Team's work with the CYP e.g. Special Educational Needs (SEN) Support Plans, School Attendance data, Education Health and Care Plans, reports by other health professionals etc. These details are collected and held on the Council's electronic systems and will be protected using up-to-date technical and organisational security measures.

SURVEY MONKEY

We sometimes use an online survey tool called Survey Monkey to collect your responses to a consultation or engagement exercise. Data collected by this method is stored by the providers.

To read about their Privacy Policy and Security Statement visit:

- <https://www.surveymonkey.com/mp/policy/privacy-policy/>
- <https://www.surveymonkey.com/mp/policy/security/>

Data may also be held on the council's electronic systems and will be protected using up-to-date technical and organisational security measures.

Transfer overseas

As an international company Momentive have Data Centres in the United States, Canada and Ireland (EU). Your response to a survey collected through Survey Monkey is held in in their EU Data Centre in Ireland.

SOURCE OF YOUR PERSONAL DATA

We collect the above information when:

- a school requests the EBSA Advisory Team's involvement with the Child or Young Person,
- when a school requests a supportive intervention involving a Child or Young Person or
- when the Special Educational Needs Team requests our involvement in the Educational Health and Care Plan assessment process.

We receive personal data from:

- The Child or Young Person (CYP)'s school
- Parents/carer and
- CYP themselves

We are unable to progress a case until all relevant forms (including the 'Request for Involvement' form from the school, 'Child/Young Person Information' form and the 'Parent/Carer Information and Consent' form from the family) have been submitted to the EBSA Advisory Team.

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>We will use this information to inform and gather information for the EBSA Advisory Team's involvement with the Child or Young People (CYP).</p> <p>In addition, we will process the information in order to:</p> <ul style="list-style-type: none"> - Keep in contact with Parents/Carers and the CYP and work with the CYP - Keep a record of the time and nature of our involvement with Parents/Carers and the CYP and the impact it has had - Inform our assessment of the CYP's needs, inform any ongoing or future work - Undertake wider Statutory duties in order to support the CYP education and welfare <p>The Council has a legal obligation to ensure that every child receives a suitable education (Education Act 1996).</p> <p>Where a service or information request requires you to submit further personal information, a separate privacy notice will describe how we will use that data.</p>	<p>Under the UK General Data Protection Regulation (GDPR), the lawful basis we rely on for processing the information is Article 6 UK GDPR:</p> <ul style="list-style-type: none"> • Public Task: Article 6(1)(e) of the GDPR namely the 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 Council.
	<p>Special category data is being processed under Article 9 UK GDPR:</p> <ul style="list-style-type: none"> • (G) substantial public interest – processing is necessary for the reasons for substantial public interest - Schedule 1, paragraph 6 <p>You can read the guide to lawful basis for processing special category data on the Information Commissioner's Office website.</p>

SHARING YOUR PERSONAL DATA

Your data will be seen by employees of the Council relevant to the service or information request you have made including the EBSA Advisory Team and the EBSA Triage Team.

The **EBSA Advisory Team** consists of:

EBSA Coordinator, EBSA Educational Psychologist, Emotional Health Academy workers (e.g. Primary Mental Health Worker, Play Therapist)

The **EBSA Triage Panel** consists of staff members from the Education Service:

Social, Emotional and Mental Health (SEMH) Service Manager, Emotional Health Academy Manager, Principal Education Attendance Officer, Autism Team Coordinator, Educational Psychologist, EBSA Coordinator

Any EBSA report will be shared with you as parents/carers and the CYP's school and where appropriate the CYP.

You will be able to see and update your data through a data request. Please visit here for more information <http://www.westberks.gov.uk/dprequest>.

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 third parties where it is necessary for the delivery of the service.

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 organisation will keep each type of data against West Berkshire Council's 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.

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.
