

Education and Early Years Directorate Privacy Notice



Date and version

Version 2- June 2018

What this privacy notice is for

Our core data protection obligations and commitments are set out in the council's primary privacy notice at www.oldham.gov.uk/dataprotection

This notice provides additional privacy information for:

- All individuals in respect of whom data is processed to enable the Education and Early Years Directorate to carry out its statutory functions and services including regulatory and administrative functions in a lawful manner. These include the provision of services in the area of school place provision, school workforce matters, SEND provision, Early Years provision learning and school improvement, provision of post 16 education and school governance.
- Pupils, Parents, Council employees and School employees
- Third parties who might be involved with complaints and/ or legal matters with the Council or schools in respect of which the Council or schools might require internal legal advice such as property and contract matters, civil litigation and claims.
- Parents/Carers/ guardians of/ and pupils who attend Oldham schools to whom advice, guidance and support.

Updating our privacy notices

We may update or revise our privacy notices at any time so please refer to the version published on our website for the most up to date details.

What we use your information for

We collect or obtain your personal information for the following purpose(s):

- In delivering Education and Early Years services and support to you and your child to ensure that the Council is acting lawfully.
- In carrying out regulatory activities of the Council such as, planning, safeguarding of children, special educational needs and the provision of school places.
- If you apply for a job or become employed in schools or the Education and Early Years Directorate or pursue an employment claim against a maintained school or the Council
- To advise Oldham schools in relation to any statutory issues which they might face.
- To administer in relation to school places, SEND. Post 16 Education, Looked After Pupils (LAC) attendance and appeals.
- To ensure that requests for disclosure of education and related data from government agencies are dealt with lawfully.
- For ensuring the health and safety of staff in maintained schools and the Education and Early Years Directorate
- To transact the Council's legitimate business regarding school land and school property transactions, for the commissioning of services and contractual arrangements

with third party organisations or individuals as they relate to the Education and Early Years Directorate.

- To comply with the Council's constitution and ensuring open and transparent governance and scrutiny
- In responding to Freedom of Information requests as they relate to Education and Early years, School Appeals and other miscellaneous education related FOI requests and ensuring any data is dealt with in a lawful manner.
- In providing administrative support and services to schools and academies who purchase service level agreements from the Education and Early Years Directorate.
- To carry out our statutory functions to deliver and process the free early education entitlement, including checking eligibility for funding. (Under sections 1 and 2 of the Childcare Act 2016 and Section 6, 7 and 7A of the Childcare Act 2006).
- Progress and attainment data to establish child development

What categories of personal information we use

Personal information can be anything that identifies and relates to a living person. This can include information that when linked with other information, allows a person to be uniquely identified. For example, this could be your name and contact details.

The law treats some types of personal information as 'special' because the information requires more protection due to its sensitivity. This information consists of:

- Racial or ethnic origin
- Sexuality and sexual life
- Religious or philosophical beliefs
- Trade union membership
- Political opinions
- Genetic and bio-metric data
- Physical or mental health
- Criminal convictions and offences

In order to carry out these purposes we collect and obtain the following personal information.

Category of personal data	Special/ Sensitive
<ul style="list-style-type: none"> • personal details • family details • employment and education details • visual images, personal appearance and behaviour • student and pupil records • case file information • Income/benefit details • Child progress and attainment data. 	
<p><u>Sensitive/SCD data types:</u></p> <ul style="list-style-type: none"> • physical or mental health details • racial or ethnic origin • trade union membership 	

Legal basis for processing

The legal basis for processing and or sharing your personal information is:

- you, or your legal representative, have given consent
- you are proposing to or have entered into a contract with us
- it is required by law (such as where this is mandated by statute or under a court order)
- it is necessary to perform statutory functions
- it is necessary for employment related purposes
- it is necessary to deliver health, education or social care services
- it is necessary to protect you or others from harm (e.g.in an emergency or civil disaster)
- it is necessary to protect public health
- it is necessary for exercising or defending legal rights
- you have made your information publicly available
- it is necessary for archiving, research, or statistical purposes
- it is necessary in the substantial public interest for wider societal benefits and is authorised by law
- it is necessary for fraud prevention and the protection of public funds
- it is in our legitimate interests (or those of a third party) provided your interests and fundamental rights do not override this.
- For the purposes of our public task to administer free early education grant to childcare providers, determining eligibility for grants and to monitor the impact of education and early years provision on outcomes for children as per the Childcare Act 2006 / 2016 and The Children and Families Act 2014

The primary legislation upon which we rely to ensure the Education and Early Years Directorate complies with its legal obligations and functions includes (but is not limited to) the following legislation:

The Children Act 1989
The Education Act 2002
The Childcare Act 2006
The School Standards and Frameworks Act 1998
The Equality Act 2010
The Education Act 1996
Education and Inspections Act 2006
The School Teachers Pay and Conditions Document
The School Staffing Regulations 2013
The Counter Terrorism and Security Act 2015
Employment Acts (various)
The Academies Act 2010
The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012
The School Admissions (Appeals) (England) Regulations 2012
The School Information (England) Regulations 2008

If the information is not provided, we would be unable to comply with the Council's duties contained in the above legislation and to ensure that services provided by the Council the Directorate and maintained schools and academies are done so in a lawful way.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal

obligations, for example, by our being unable to provide a school place, school appeal or EHC plan.

Information sharing/recipients

We may share personal information about you with the following organisations /types of organisations:

- other Oldham Council departments
- schools and academies family, associates or representatives of the person whose personal data we are processing
- current past and prospective employers
- healthcare, social and welfare organisations
- educators and examining bodies
- local and central government
- ombudsman and regulatory authorities
- trade unions
- political organisations
- professional advisers
- professional bodies
- police forces
- religious organisations
- students and pupils including their relatives, guardians, carers or representatives
- data processors
- other police forces, non-home office police forces
- regulatory bodies
- healthcare professionals
- current past and prospective employers and examining bodies
- the disclosure and barring service
- the Department for Education
- Childcare providers in the private, voluntary and independent sector (PVI)
- Her Majesty's Revenue and Customs (HMRC)

As well as information collected directly from you, we also obtain or receive information from:

- Academies, Early Years Providers and Special School Providers
- Maintained Schools
- Other members of the public
- Your legal or other representatives
- If another organisation tells us that you or your wider family need help/support
- If there are safeguarding or child protection concerns for example a member of the public raises concerns that you, your child or another relative is at risk of harm

Data Transfers beyond European Economic Area

We do not share information outside of the European Economic Area.

Automated Decisions

All the decisions we make about you involve human intervention.

How long we keep your data

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

Education and Early Years have a retention schedule of case files and which can be accessed by contacting SchoolsandSettings@oldham.gov.uk

Where can I get advice

More information on how to seek advice in order to exercise your rights, raise a concern or complain about the handling of your personal information by the council can be found in the council's privacy notice which can be found at www.oldham.gov.uk/dataprotection