

Privacy Notice (How we use child and young person's information)

Portsmouth City Council collects and uses personal information relating to children and young people in order to comply with the statutory obligations placed on us by government and so we can deliver and manage services for and on behalf of other organisations, including schools, early years education providers and childcare providers.

All personal information is processed in accordance with the Data Protection Act 2018.

For more information about how the council uses personal information, please see the council's data protection and privacy notice: <https://www.portsmouth.gov.uk/privacypolicy>

The categories of child and young person's information that we process include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, overseas student status and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision placements put in place)

Why we collect and use child and young person's information

We use child and young person's information to:

- a) enable us to carry out specific functions for which we are responsible
- b) enable us to deliver and manage services including those provided for and on behalf of children, young people, parents, schools and other stakeholders
- c) assess the planning and performance of new and existing services
- d) derive statistics which inform decisions such as the funding of schools
- e) assess performance and to set targets for schools
- f) help investigate complaints and concerns about the services we deliver

Under the General Data Protection Regulation (GDPR), the legal bases we rely on for processing personal and special category information for the above purposes are:

- Article 6 – General Data Protection Regulation, paragraph 1, section (a) consent, (c) legal obligation, (d) public task.
- Article 9 – General Data Protection Regulation, paragraph 2, section (a) explicit consent, (g) substantial public interest.

In addition, we collect information on children and young people in order to comply with the obligations placed on us by the Department for Education (DfE) i.e. for the purpose of statutory data collections, as outlined under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Further information on the [statutory data collections we are required to participate in](#) can be found on the GOV.UK site.

Collecting child and young person's information

We collect child and young person's information via secure file transfer systems including those used between schools, local authorities and partner organisations. Information is also obtained via online or hard copy application / data collection forms.

Child and young person's information is essential for the council'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.

Storing child and young person's data

We hold personal data on secure systems and premises, and retain it for no longer than necessary. All of our staff undertake mandatory information security and data protection training and understand their obligations with regard to data handling. Access to systems, networks and premises are strictly controlled. All technology is regularly tested and patched to ensure the highest possible level of security.

For more information on our records retention schedule, please visit the council's website and search for 'records retention'.

Who we share child and young person's information with

We routinely share child and young person's information where relevant with:

- youth support services (pupils aged 13+)
- the Department for Education (DfE)
- post-16 education and training providers other local authorities
- Solent NHS Trust Children's Public Health
- Portsmouth based Secondary schools
- National Consortium for Examination Results (NCER)

We do not share information about our children or young people with anyone without consent unless the law and our policies allow us to do so.

Why we regularly share child and young person's information

Education and training

We share information about children and young people attending schools in our area and living in our area to support the provision of their education and training up to the age of 20 (and beyond this age for those with a special educational need or disability). Under parts 1 and 2 of the Education and Skills Act 2008, education institutions and other public bodies (including the Department for

Education (DfE), police, probation and health services) may pass information to us to help us to support these provisions.

We share some of the information we collect with the **Department for Education (DfE)** to enable them to: produce statistics, assess our performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

The council will share information with the **Library Service** to enable them to issue all Reception year pupils with their own library card.

The council may also share some limited information (including pupil name and school) with the **University of Portsmouth (UOP)** and/or other research agencies for schools taking part in an educational performance research project.

The council will share limited information (name and school/college) about Portsmouth's looked after children who are placed in, and outside Portsmouth schools/colleges to a commissioned service called '**Welfare Call Ltd**' to monitor the daily attendance of these young people.

We may also share information with **post-16 education and training providers** to secure appropriate support for them. We may also share data with education establishments which shows what their pupils go on to do after the age of 16.

We share Intended Destination, September Guarantee and post-16 destination data we collect with the secondary schools in Portsmouth. This data is used to:

- assist the school and the LA in their role in supporting young people to stay within education, training or employment, by providing an appropriate support package based on the young person's needs
- assist the secondary schools and the council in meeting their statutory responsibility of monitoring their destination data and in their delivery of statutory duties placed upon them by the Department for Education (DfE).

Youth support services - pupils aged 13+

Once pupils reach the age of 13, we also pass pupil information to the provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers
- post-16 education and training providers

The information shared is limited to the child's name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once he/she reaches the age 16.

Data is securely transferred to and held by the youth support service and is held for no longer than necessary.

Child and young persons' health

Both Solent NHS Trust, Portsmouth City and neighbouring councils have a statutory obligation to support the delivery of the healthy child programme. The sharing of child and young person's

information ensures the effective delivery of child public health programmes and of front line services such as school nursing services, and therefore provides the best outcomes for children. The sharing of data with the NHS is required:

- to enable the mandatory and statutory recording and reporting of Child Health data.
- to enable the NHS Trust to update the Child Health data to support School Nurses/Specialist Health Care Teams in implementing the health programme
- to assist with checking which local authority area children are living, whether they are known to other local authorities and whether they are also known to Solent NHS Trust.
- to assist the Named Nurse for Looked After Children in ensuring all Looked After Children have a complete immunisation status.
- to implement the National Child Measurement Programme of children in Reception Year and in Year 6.
- to implement the statutory national dental survey of five year old children attending mainstream schools.

The legal basis for sharing children and young person's information for health purposes is covered in S251b - Health and Social Care (Safety and Quality) Act 2015

Local NHS Trusts use information about pupils for **research and statistical purposes**, to develop, monitor and evaluate the performance of local health and education services. These statistics will not identify individual children and young people.

Early education

Personal information will be shared between the NHS Trust and the council and between neighbouring councils to assist councils in meeting their statutory duties for funding early education places and supporting school admissions.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework.

For more information, please see the 'How Government uses your data' section.

National Consortium for Examination Results

Personal information will be shared between the National Consortium for Examination Results (NCER) and the council to enable the council to complete statutory data collections for the Department for Education, so we can produce statistics and assess our performance and to support schools.

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact:

Data Protection Officer
Portsmouth City Council
Civic Offices,
Portsmouth,
PO1 2AL

Email: dataprotection@portsmouthcc.gov.uk
Tel. 023 9268 8482

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting

Data Protection Officer
Portsmouth City Council
Civic Offices,
Portsmouth,
PO1 2AL

Email: dataprotection@portsmouthcc.gov.uk
Tel. 023 9268 8482

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 in July 2020.

Contact

If you would like to discuss anything in this privacy notice, please contact the Data Protection Officer

Email: dataprotection@portsmouthcc.gov.uk
Tel. 023 9268 8482

How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department.

It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools and local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact DfE: <https://www.gov.uk/contact-dfe>