

North Ayrshire Council: Education and Youth Employment

Privacy Notice Statement

This notice intends to explain what information Education and Youth Employment needs in order to process information that may be collected, regarding pupils, parents, carers and other individuals. It is necessary for Education and Youth Employment to gather, collect, store and process personal information to provide an Education service to all North Ayrshire communities.

Who is responsible for your information?

All personal information is held and processed by North Ayrshire Council in accordance with the Data Protection law. For information on the role of Data Controller, please refer to the Information Commissioner's Office website at <https://ico.org.uk/>

What information do we need and why?

Personal data is required to be collected by Education and Youth Employment in order to carry out its duties as a provider of Education and Youth Employment under the Education (Scotland) Act 1980 and the Education (Scotland) Act 2016.

Personal data includes identifiers such as name, address, date of birth and personal characteristics such as gender and ethnic group, qualifications/ training, and health or absence information.

What is the lawful basis for processing the data?

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing individuals' data are:

1. Contract - the processing is necessary for a contract
2. Legal Obligation - the processing is necessary for Education and Youth Employment to comply with the law
3. Public task - the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
4. Consent - in limited circumstances, for instance relating to taking pictures for promotional purposes, Education and Youth Employment may rely on an individual's consent to process their personal data. Where Education and Youth Employment is relying on an individual's consent to process personal data then individuals have the right to withdraw this consent at any time.

Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial/ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Education and Youth Employment will have a requirement to process some types of Special Category Data and in particular:

- racial or ethnic origin information for monitoring purposes
- health information for pupil assistance and absence monitoring

The lawful basis for processing Special Category Data is:

1. The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
2. Consent - in limited circumstances, for instance relating to taking pictures for promotional purposes, Education and Youth Employment may rely on an individual's consent to process their personal data. Where Education and Youth Employment is relying on an individual's consent to process personal data then individuals have the right to withdraw this consent at any time.

Who will we share your information with?

Education and Youth Employment receive an individual's personal data from or share and individual's personal data with:

- The Scottish Government
- Education Scotland
- External contractors
- Private nurseries
- Strathclyde Passenger Transport
- Scottish Children's Reporter Administration
- Social Work Services
- Scottish Public Services Ombudsman
- The (UK) Information Commissioner

Education and Youth Employment will also make any disclosures required by law and may share information with other bodies responsible for detecting/ preventing fraud or auditing/ administering public funds.

How long do we keep your information?

Education and Youth Employment will only keep an individual's personal data for as long as necessary. After this time personal data will be securely destroyed.

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform Education and Youth Employment as soon as possible so that they can update their records.

Individuals' data processing rights

Under data protection legislation, individuals have the right to request access to information about them that the Council holds. Further details can be found on the NAC website at <https://www.north-ayrshire.gov.uk/council/access-to-information/data-protection-act.aspx>

Individuals also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- in certain circumstances, transfer their data to another organisation (data portability)

If individuals have a concern about the way Education and Youth Employment is collecting or using their personal data, they should raise their concern in the first instance with the Councils' Data Protection Officer: dataprotectionofficer@north-ayrshire.gov.uk