

Education Authority

Privacy Notice (SEND Services)

About us

The Education Authority (EA) collects, uses and is responsible for certain personal information about you which is processed by EA's Special Educational Needs and Disability (SEND) Services. The EA takes your privacy very seriously. Please read this privacy notice carefully as it contains important information on who we are, how we collect, store, use and share personal information in the performance of our SEND Services, and what your data protection rights are.

When we collect or use personal information, we are subject to the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 ("data protection laws") and we are responsible as the "data controller" of that personal information. As a data controller, we are required to notify you of the information contained in this privacy notice.

It is important that you read and retain this notice, so that you are aware of how and why we are using personal information and what your rights are under the data protection laws.

How do we collect and hold personal information?

In order to perform our SEND Services EA will collect personal information about children & young people and their parents/families/carers/legal guardians either directly from you (in person, by telephone, written correspondence, text or email) or your child's school.

We may also collect personal information from Health & Social Care Trusts, the Public Health Authority or other medical practitioners and agencies involved with a child or young person, where it is necessary to do so to perform our SEND Services.

What personal information do we collect, store and use?

EA's SEND Services may collect, store and use the following categories of personal information:

- basic personal information (such as name, address, parent/carer details, contact details, date of birth, gender)
- special category information (such as ethnicity, religion, medical information including information about special educational needs and disabilities)
- reasons for support (such as concerns about learning, barriers to learning and areas that require support)
- input from child or young person and/or their parent/guardian/carer

- The Special Educational Needs Inclusion Service for Moderate Learning Difficulties provides support to children and young people with Moderate Learning Difficulties and associated Special Educational Needs.
- The Special Educational Needs Early Years Inclusion Service provides support for pre-school children who have Special Educational Needs and Disability.
- The Special Educational Needs Inclusion Service for Severe Learning Difficulties supports the personal, social and educational development of pupils with Special Educational Needs arising from Severe Learning Difficulties.
- The Sensory Service provides support for children and young people who are deaf/hard of hearing, have a vision impairment, or who have a multi-sensory impairment.
- The Statutory Assessment and Review Service consider requests for statutory assessment of children and young people's educational needs and make and maintain statements of special educational needs when appropriate.

Other EA Services that may also be involved in providing support for children and young people with Special Educational Needs and Disability will process personal information about children and young people (and their parents/families/carers/legal guardians for the following purposes):

- The Primary Behaviour Support & Provisions Service and the Post Primary Behaviour Support & Provisions Service support the personal, social and educational development of pupils with a Special Educational Need arising from social, behavioural, emotional and wellbeing needs.
- The Exceptional Teaching Arrangements Service support for children and young people who are unable to attend school because of physical or mental illness; are a school age mother or for other exceptional reasons cannot attend school.

In order to perform EA's statutory functions and responsibilities in relation to the provision of support for children and young people with Special Educational Need (SEN), the EA services involved in providing such support may need to process personal data collected or recorded by other EA services for the purposes set out above.

For example, where requests for statutory assessment of children and young people's educational needs are received (or when carrying out the annual review of an existing statement of special educational needs), the Statutory Assessment and Review Service will need to consider any relevant personal data collected or recorded by other EA services that have been involved with the child / young person in order to perform EA's statutory functions and responsibilities in this respect.

What is our lawful basis for processing personal information?

Personal information relating to children & young people and their parents/families/carers/legal guardians is stored in line with is stored in line with the EA's Retention and Disposal of Records Schedule, which is available online at <https://www.eani.org.uk/about-us/privacy/ea-privacy-notices> or can be requested by telephone by calling 028 8241 1300 or by emailing dpo@eani.org.uk. This sets out information about how long we keep personal information.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

What are your rights?

Under the data protection legislation, you have certain rights in relation to the personal information that we hold about you. Under certain circumstances, a child (who is competent to do so) or young person or a parent/carer/legal guardian has the right to:

- **Request access** to 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/or your child and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you and/or your child. This enables you to have any incomplete or inaccurate information we hold corrected.
- **Request erasure** of 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 personal information where we are processing for a task in the public interest or exercise of our authority as a public body, or relying on a legitimate interest (or that of a third party) and there is something about your particular situation which makes you want to object to processing on these grounds. You also have the right to object where we are processing you and/or your child's 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.

Education Authority

Data Protection Statement

The personal information provided in the School-based Consultation form (and any personal information collected or recorded by the Education Psychology Service (EPS) and any other SEND Services the EPS refers the child or young person to) is required by EA to perform our statutory functions and responsibilities to support children and young people with Special Educational Needs and Disability. When EA collects or uses personal information, we are subject to the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.

Whilst the School obtains consent from the parent(s)/person(s) exercising parental responsibility to the involvement of the EPS and other SEND Services with the child or young person, the lawful basis for the processing of personal information arising from such involvement and/or in relation to the statutory assessment of children and young people's educational needs (including making and maintaining statements of special educational needs when appropriate) is Public Task (not Consent), as the processing is necessary for the performance of tasks carried out in the public interest or in the exercise of official authority vested in EA. EA's additional condition for the processing by SEND Services of special categories of personal data (e.g. information relating to health or racial/ethnic origin) is that there is a Substantial Public Interest in doing so in the performance of statutory functions.

In order to perform EA's statutory functions and responsibilities in relation to the provision of support for children and young people with Special Educational Need (SEN), the EA services involved in providing such support may need to process personal data collected or recorded by other EA services. For example, where requests for statutory assessment of children and young people's educational needs are received (or when making and maintaining statements of special educational needs), EA's Statutory Assessment and Review Service will need to consider any relevant personal data collected or recorded by other EA services that have been involved with the child / young person in order to perform EA's statutory functions and responsibilities in this respect.

It is important to note that we may need to share the personal information you provide us with on the School-based Consultation form (and any personal information collected or recorded by the EPS and any other SEND Services the EPS refers the child or young person to) with other professionals involved with your children and young people, such as your child's school / education setting, Health and Social Care Trusts, the Public Health Authority and any other medical practitioners and agencies involved with your child, for the purposes referred to in this statement.

We have published a detailed Privacy Notice relating to SEND Services. We have also published a Child-Friendly Privacy Notice relating to SEND Services. These Privacy Notices are both available on our website at <https://www.eani.org.uk/about-us/privacy/ea-privacy-notices> or can be requested by calling 028 8241 1300 or by emailing dpo@eani.org.uk.

Education Authority

Child-friendly Privacy Notice (SEND Services)

Who are we?

We are the Education Authority ('EA'). EA are in charge of delivering education in Northern Ireland and help with all aspects of your education and journey through school.

EA are the 'Controller' of any **Personal Data** we collect from or about you.

Why are we collecting and using your personal information?

EA's Special Educational Needs and Disability (SEND) Services collect and use your personal information in order to provide you with support if you have Special Educational Needs or Disabilities.

Law

We can only use your personal data if we have a legal reason to do so. EA's Special Educational Needs and Disability (SEND) Services collect and use your personal information to carry out our role which is set out in law.

The proper name for this lawful basis is 'public task' and "substantial public interest'.

What information about you do we use?

We will need to use basic personal information about you such as your name, address, parent details, contact details and date of birth. We may also need to use some more sensitive information about you such as information about any medical conditions, special educational needs or disabilities you may have.

Who will see your information in EA?

When we collect or use your personal information, we follow the rules of Data Protection Law. This means that we will keep your personal information, safe and protected so that it will only be seen by those who need to see.

In EA, your personal information will only be seen by EA staff that need to see it to carry out the work we do for children and young people with Special Educational Needs and Disabilities.

Will we share your information with anyone?

In order to do the work EA does for children and young people with Special Educational Needs and Disabilities, EA may also need to share your personal information with others, such as your school or Health and Social Care Services. For example, EA may need to ask

This child-friendly Privacy Notice is intended to set out in clear language how EA's SEND Services will collect and use your personal information. There is also a more detailed adult version of this Privacy Notice which you can request from our Data Protection Officer using the contact information above.

EA's general Privacy Notices, setting out how and why we process personal information, are also available at <https://www.eani.org.uk/about-us/privacy/ea-privacy-notices> or can be requested by calling 028 8241 1300 or by emailing dpo@eani.org.uk.

If you are concerned about how we use your information, you can complain to the Information Commissioners office. They ensure that organisations comply with Data Protection Law and can be contacted by:

Post: Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113.

Website: <https://ico.org.uk/make-a-complaint/>