

EDUCATION AUTHORITY PRIVACY NOTICE

Children & their Parents/Families/Carers/Legal Guardians

Please note that this is an interim precedent document and may be subject to amendment by the Education Authority in due course.

ABOUT US

The Education Authority (EA) is the data controller of the personal information we hold about children and their parents/families/carers/legal guardians. This means that we are responsible for deciding how we hold and use the personal information which we collect.

We are required under the General Data Protection Regulation (GDPR) to notify you of the information contained in this privacy notice.

We collect and use information under the Education Act (Northern Ireland) 2014 and other legislation. You may find the specific legislation at <https://www.education-ni.gov.uk/departments/education-legislation>.

The majority of the information you provide to us is information which you are legally obliged to provide but some information is provided to us on a voluntary basis. When collecting information from you we will inform you whether you are required to provide certain information to us or if you have a choice in this.

This notice applies to children and their parents/families/carers/legal guardians. We may update this notice at any time but if we do so, we will inform you as soon as reasonably practicable.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the GDPR.

If you have any questions about this privacy notice or how we handle personal information, please contact our Data Protection Officer (DPO) who monitors EA's data protection procedures to ensure they meet the standards and requirements of the GDPR. The DPO can be contacted at the Education Authority, 40 Academy Street, Belfast, BT1 2NQ, by telephone at 028 8241 1300 or by email at dpo@eani.org.uk.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. The ICO's details are as follows:

The Information Commissioner's Office – Northern Ireland

3rd Floor

14 Cromac Place,

Belfast

BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114

Email: ni@ico.org.uk

HOW DO WE COLLECT AND HOLD PERSONAL INFORMATION?

We collect some personal information about children and their parents/families/carers/legal guardians either directly from you or your child's school.

We will sometimes collect information from third parties such as the Department of Education, examination boards or previous schools attended by the child, GPs, or health care providers.

WHAT PERSONAL INFORMATION DO WE COLLECT, STORE AND USE ABOUT CHILDREN?

Personal information is information that identifies you and relates to you. We will collect, store and use the following categories of personal information:

- Personal information (such as name, age, date of birth, photographs)
- Contact information (such as address, emergency contact information and telephone number)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as statutory assessment process, GCSE and post-16 qualifications)
- Exclusion and behavioural information
- CCTV footage and other information obtained through electronic means
- Financial information contained within Student Finance applications
- Non-sensitive characteristic information (such as free school meal eligibility)
- Special categories of information (such as ethnicity, language, country of birth, nationality, information regarding health, special educational needs, allergies and disability).

WHAT PERSONAL INFORMATION DO WE COLLECT, STORE AND USE ABOUT PARENTS/FAMILIES/CARERS/LEGAL GUARDIANS?

We will collect, store and use the following categories of personal information about parents/families/carers/legal guardians:

- Personal information (such as name, age, date of birth and photographs)
- Contact information (such as address and telephone number)
- Financial information (such as bank account details and details of income and savings as provided in Student Finance applications)
- CCTV footage and other information obtained through electronic means.

WHY DO WE COLLECT, STORE AND USE THIS INFORMATION?

We will only use personal information when the law allows us to. Most commonly, we will use personal information relating to children and their parents/families/carers/legal guardians where we need to comply with our legal obligations and where it is needed in the public interest for us to exercise our authority as a public body.

In some cases we may use personal information where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override

those interests. For example, the Education Authority has a legitimate interest in providing children with an education and safeguarding and promoting their welfare.

We may also use your personal information, less frequently to protect a child or families (or someone else's interests). For example, when investigating a complaint made by another child.

We keep personal information electronically on our information management systems, IT network, or manually in indexed filing systems.

Situations in which we will use personal information, including special category information, include:

- **Business Continuity**

For example:

- to assess the quality of our services

- **Statutory Returns**

For example:

- to monitor equal opportunities

- **Safeguarding & Child Protection**

For example:

- to safeguard children
- to investigate any child protection concerns

- **Security**

For example:

- to comply with health and safety obligations
- to comply with the law regarding data sharing

- **Communications**

For example:

- to communicate necessary information between EA, the Department of Education and schools.

- **Sound financial management**

For example:

- for efficient use of EA services and facilities

CONSENT

Whilst the majority of the personal information provided to EA is required for us to comply with our legal obligations, some of that information is provided on a voluntary basis through parental consent (namely, a parent's/carer's/legal guardian's express agreement). A child aged 13 or over is considered capable of giving consent themselves and will not require express agreement from a parent/carer/legal guardian. However, if a child is not considered capable of giving consent themselves for example, due to an identified special educational

need, an adult with parental responsibility may exercise the child's data protection rights on their behalf.

Where we need your consent, for example, EATV filming or medical consents for activities at Field Centres, EA will provide the person with parental responsibility for a child or, if aged 13 or over and capable of giving consent, the child themselves, with a specific and clear notice which explains the reasons why the data is being collected and how the data will be used. You should be aware if you do not consent to our collection of this type of data, it will not affect the standard of the service we deliver.

If we ask for your consent to use personal information, you can take back this consent at any time. Please contact EA if you would like to withdraw any consent you have given.

Please be aware that we do not need to obtain parental consent if personal information is to be processed for the purposes of obtaining counselling services for the child.

HOW LONG IS THE INFORMATION STORED FOR?

We will only keep personal information for as long as necessary to fulfil the purposes we collected it and including for the purposes of satisfying any legal, accounting, or reporting requirements.

We do not store personal information forever; we only hold child and parent/family/carer/legal guardian information for as long as we are legally able to do so.

Personal information relating to children and their parents/families/carers/legal guardians is stored in line with is stored in line with the Public Record Office (NI) record management good practice guidance and our retention and disposal of records schedule. This sets out information about how long we keep personal information. Please contact our DPO using the contact details stated above for further information.

DATA SECURITY

We have put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a need to know. They will only process personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator (currently the Information Commissioner's Office) of a suspected breach where we are legally required to do so.

WHO WE SHARE A CHILD'S AND THEIR/PARENT'S/FAMILY'S/CARER'S/LEGAL GUARDIAN'S INFORMATION WITH

We may have to share a child's and their parent's/family's/carer's/legal guardian's data with third parties, including third-party service providers and other bodies such as:

- The child's school
- Any schools previously attended by the child
- Any schools to be attended by the child

- The Boards of Governors in relation to the above named schools
- The Department of Education
- Northern Ireland Council for Curriculum Examinations and Assessments
- Council for Catholic Maintained Schools
- Northern Ireland Council for Integrated Education
- Comhairle na Gaelscolaíochta
- General Teaching Council for Northern Ireland
- Middletown Centre for Autism
- Youth Council for Northern Ireland
- Exceptional Circumstances Body
- Department of Health and Health & Social Care Trusts
- PSNI
- C2K School Management Information System
- Data Systems such as KACE Service Desk
- Examination Boards such as AQA, CCEA and Excel
- Commercial standardised test providers
- Student Finance NI

WHY WE SHARE A CHILD'S OR THEIR /PARENT'S/FAMILY'S/CARER'S/LEGAL GUARDIAN'S INFORMATION

We do not share information about children or their/parents/families/carers/legal guardians with anyone without consent unless the law and our policies allow us to do so. We only permit access to personal information for a specified purpose and in accordance with our instructions.

We are required to share children's data with the Department of Education on a statutory basis. This information sharing underpins funding and educational attainment policy and monitoring. We also share information with the NHS.

YOUR RIGHTS OF ACCESS, CORRECTION, ERASURE AND RESTRICTION

Under GDPR, children and their parents/families/carers/legal guardians have the right to request access to information about them that we hold. To make a request for your personal information, contact EA at the contact details set out above.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Under certain circumstances, by law a parent/carer/legal guardian or a child over the age of 13 (who is competent to do so) 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 your child and to check that we are lawfully processing it. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is

clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

- **Request correction** of the personal information that we hold about you and 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 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 this ground. You also have the right to object where we are processing you and your child's personal information for direct marketing purposes.
- **Request the transfer** of your personal information to another party.