

# Elective home education privacy notice

## Academic year 2023/24



### Why do we collect and use information?

Southampton City Council is the Data Controller for the purpose of collecting and using information from parents/carers and schools/academies to carry out our statutory responsibilities in relation to children who are educated at home and to meet our duty to improve the health of the population we serve.

We process information about your child, you as their parent/carer, alongside details around their school. We hold this personal data securely and use it:

- To develop an elective home education policy and process which is clear, transparent and easily accessible;
- To plan visits to home educating families by an SCC Home Education Family Support Worker;
- To manage enquiries around our EHE service and communicate with home educating families;
- To seek to offer guidance to all known home-educating families in our area and provide advice and support for parents who request it;
- To maintain a record of children in Southampton who are known to be home educated;
- To obtain information about the education parents are providing to assist us in reaching a properly informed judgement on the suitability of the education being provided;
- To make arrangements to establish the identities, so far as it is possible to do so, of children in our area who are not receiving a suitable education;
- To contribute to the serving of School Attendance Orders, where required;
- To contribute to the core education record of your child held by Southampton City Council;
- To produce anonymised statistical data for Service Leads to support service delivery, improvement and planning;
- Inform families about how to access services and facilities from other agencies that would generally be delivered via school;
- To collaborate with other local authorities\services and operate a referral process;
- To undertake wider statutory duties in support of your child's education and welfare;
- To ensure compliance with our obligations under the accuracy principle of the General Data Protection Article (5)(1)(d)), Regulation (making sure our records about you and your family are up to date.
- To share information with Southern Health to support their duty to deliver public health functions such as the national Healthy Child Programme 0 to 19, the national Child Measurement and Childhood Immunisation Programmes and to support health visiting and school nursing services.
- To inform parents about important information or opportunities.

A wide range of council teams, responsible for working to improve outcomes for children, have access to the Capita ONE system including Transport, SEND, Education Welfare, Inclusion Services, School Admissions, Music Services, Portage, Virtual School, Family Engagement Workers. All users are required to sign a security declaration and undertake information governance training.

The following sections provide further detail around the information we process setting out what allows us to do this (lawful basis), who we may share it with, how long we keep it for (the retention

period), alongside identifying any rights you may have and who to contact if you think we're not handling your information in the right way.

## **Categories of information that we collect, hold and share**

The following personal and special category information may be processed but will vary depending upon whether an electively home educated child has previously been enrolled in a Southampton mainstream school:

- Your child's personal information (name, address, date of birth, gender and health information if it is relevant to the provision of education);
- Your personal information (title, name, address and contact details);
- Education information including enrolment history, exclusions, care status, attainment, attendance and SEND;
- Professional involvement with services, both statutory and non-statutory; and
- EHE history (such as communication with families, visit reports, plans and evidence of suitable education).
- Safeguarding information where EHE Visitors are required to be part of a professional network around a child.

## **The lawful basis on which we use this information**

We collect and use the information ensuring that we comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA2018) requirements for processing through:

- Article 6(1)(e) - the processing is necessary to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law;
- Article 9(2) (g) – Necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguarding measures; and
- Sch.1, Pt.2, Para 6 - Substantial public interest conditions, for statutory etc. and government purposes.

These articles under the GDPR and the DPA2018 are supported by the following specific legislation:

- Sections 436A and sections 437 to 443 Education Act 1996;
- Section 10 and 11 of the Children Act 2004;
- Equality Act 2010;
- Section 7 of the Education Act 1996;
- Health and Social Care Act 2012;
- Working Together to Safeguard Children 2018; and
- SEND code of practice: 0 to 25 years.

Under these lawful bases we do not require your consent to process this information but we are required, through this privacy notice, to ensure you are fully informed of why we are collecting this information and what we will do with it.

## **Changes in your circumstances**

Parents should notify us immediately if there are any changes in your circumstances and personal details so we can maintain an accurate and up to date record of your information.

## **Storing and Securing Data**

The information provided to us will be held within the Council's Capita ONE system, which supports the delivery of education and early-years services.

Documentation sent to the council electronically will be scanned to create an electronic record and linked to the records of individual children on the Capita ONE system.

The information held within Capita ONE will be kept in line with our retention schedule and then disposed of as appropriate. The database is held on the council secure network. Maintenance and support of this system is primarily carried out by SCC employees with some aspects of these routines being carried out by Capital PLC which is covered by a separate data protection agreement. No information leaves the UK or European Economic Area (EEA).

## **Who do we share information with?**

We do not share information with anyone unless there is a lawful basis that allows us to do so.

Depending on the individual circumstances of each situation, we may have to share this information with other teams within the Council working to improve outcomes for children and young people, or to fulfil other duties and powers to support our work. These might include those responsible for ensuring the participation of young people; Children Missing Education (for ensuring the provision of full time education); Virtual School (for support of children looked after); and/or Social Care (supporting welfare, safeguarding and corporate parent functions).

External bodies we may share information with include schools, colleges which offer 14-16 provision, other local authorities, the Police, NHS services, government bodies such as the School Adjudicator or Local Government Ombudsman.

In addition we may share anonymised data on our whole EHE cohort to other agencies, government departments or individuals. Examples would be in response to Freedom of Information requests, as part of a national data collection, or, to enable the local authority to respond to government consultations.

EHE Visitors may share information on individual cases, in the form of referrals, to other agencies/services. No referrals will be made without the consent of parents, unless to do so would place a child at increased risk of harm (Working Together to Safeguard Children 2018).

If the local authority is approached by the non-resident parent of an electively home educated child, the advice of our Legal Services Team will be sought to enable us to respond in a lawful manner.

## **Requesting access to your personal data and your rights**

Under data protection legislation, individuals have the right to request access to information about them that we hold. Further information on how to make a Subject Access Request (SAR), including a link to the form, can be found at:

<http://www.southampton.gov.uk/council-democracy/council-data/data-protection/subject-access-requests.aspx>

You also have the right to:

- Prevent processing for the purpose of direct marketing;
- Object to decisions being taken by solely automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the Data Protection regulations.

Please note that under the GDPR, there is also a right to erasure but the right to erasure does not provide an absolute 'right to be forgotten'. Where the data being processed is for the purpose of 'performing a task in the public interest or for our official functions, and the task or function has a clear basis in law' (Article 6(1)(e))', this right does not automatically apply.

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

You have the right to object to your data being shared and an appropriate form to do this can be found at:

<http://www.southampton.gov.uk/council-democracy/council-data/data-protection/>.

If you are considering this option you may wish to first look at the guidance from the Information Commissioner which can be found at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/>.

## Contact Details

Further information on how we handle personal information, your data rights, how to raise a concern about the way we are processing your information and a copy of the council's Global Privacy Notice can be found at:

<http://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx>

You can also find details of the Southampton City Council Information Lawyer (Data Protection Officer) on the above web page.