

Privacy Notice
Durham County Council
Children and Young Peoples Services
Special Educational Needs Support

This Privacy Notice explains how we use and share information. We will review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law.

Who we are and what we do

Durham County Council provides a variety of specialist services and teams who provide support and advice for children with special educational needs (SEN). We work with children and young people as well as parents/carers and professionals to carry out assessments and put appropriate SEN support arrangements in place.

For more information about services provided by SEN support please see the [Durham County Council Website](#)

For the purposes of Data Protection, Durham County Council is the Data Controller

What type of personal information do we collect and how do we collect it?

To provide you with high quality and safe services which are relevant to your needs, the Council will collect and hold information about you. This may include:

- Basic details such as your name, address, date of birth, gender
- Parents/carers, family members - name, address, contact details
- Education information
- Social Care information
- NHS Number

We also collect the following special category data:

- Ethnicity
- Religion
- Medical information including child and adolescent mental health services (CAHMS), psychology
- Information from other professionals who may be involved with you such as speech and language, physical and sensory support

We collect information about you in the following ways:

- Face to face
- By secure email
- By post
- By telephone
- From other professionals

What is our lawful basis to obtain and use your personal information?

To enable us to provide services to you it is necessary for us to use your personal information to help assess your needs and identify the most appropriate services available. To do so we will use the following legal basis for sharing your information:

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

For special category data which is more sensitive information, we rely on one of the following:

- Health and Social Care - we use it for the provision of health or social care or treatment or the management of health or social care systems and services

What is your personal information used for?

Information will be used:

- To assess a child's educational, health and care needs and to make a statement of their special educational needs
- To provide a range of appropriate services, support and advice for children with SEN and their families
- To measure whether our SEN services are improving the provision for children with special educational needs and disabilities
- To complete statistical returns to Government departments

Use of your NHS Number

If you are receiving education services then the NHS may share your NHS number with the local authority

This is so the NHS and the local authority are using the same number to identify you while providing your education.

By using the same number the NHS and the local authority can work together more closely to improve your education and support.

We will use this Number when sharing information with health colleagues including GP's, hospitals, community matrons, district nurses and social care practitioners.

If you wish to opt-out from the use of your NHS Number for social care purposes, please talk with your social worker, or email dataprotection@durham.gov.uk

Will your personal information be shared?

Sharing information helps us to provide you with the best care and support possible.

There are a range of professionals who may be involved in providing services to you and where appropriate will be provided with relevant information about you.

Agencies we may need to share information with include the following:

- Schools and specialist teachers
- Other Education providers including further education, sixth form colleges, and specialist providers
- Other local authorities
- Speech and Language Therapists
- Educational psychologists
- Health agencies such as NHS Trusts, GP, and child and adolescent mental health services(CAHMS)
- The First-tier Tribunal (Special Educational Needs and Disability) Partner agencies that provide services on our behalf
- Youth offending teams and other relevant youth custodial establishments

There are other times not linked to your care and support where we may need to share your information. These include:

- Where there is a serious risk of harm to you or to others
- Where there are concerns for the welfare of a child
- For the Prevention or detection of crime
- Where a court order requires us to share information about you

Local Authorities also are required to pass on some information (but not the names of individual children) to the Department for Education (DfE) who use it to help with their policy development, Local Authority performance management and funding, and to assist with the development of good practice. Health Partners are also provided with information to assist them with understanding the health needs of children living in County Durham for planning and development of health services.

How do we keep your information secure?

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

How long will we keep your personal information?

After we deliver a service to you, we have to keep your information as a business record of what was delivered. The type of service you receive will determine how long we have to keep your information.

Currently children's records cannot be destroyed due to independent enquiries in England and Scotland into child abuse. Information will not be destroyed until 6 years after the end of the enquiries or in accordance with our normal retention schedule (whichever is later).

Our [corporate retention guidelines](#) show how long we keep information for different services. For those with Special Educational Needs and/or Disabilities, data will be retained for 30 years from date of birth.

Personal information processed outside of the European Economic Community (EEC)?

We do not process your personal data outside of the EEC

Marketing

At no time will your information be used or passed to others for marketing or sales purposes, or for any commercial use without your express consent.

What are your information rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data;
- object to processing; and
- to request your data to be ported (data portability).

If you wish to exercise your information rights, please contact our Data Protection Officer at DPO@durham.gov.uk or alternatively write to:

DPO,
Floor 4 Room 143-148,
Durham County Council
County Hall,
Durham
DH1 5UF

You also have the right to request a copy of the personal information council holds about you. To do this, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at dataprotection@durham.gov.uk

To learn more about these rights please see the [ICO website](#).

Further Information

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process

your data, please contact our Data Protection Officer at DPO@durham.gov.uk or by calling 03000 268050

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office:](#)

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Fax: 01625 524 510