Privacy Notice for Service Users

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Control Sheet

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Privacy Notice

How the Company uses service user information.

Innovate Dorset Ltd. is the data controller for information it uses. To run and help learning and achievement, Innovate Dorset Ltd. collect and use information about service users. 'Services users', in this document, refer to the children and young people who access Innovate Dorset Ltd.'s alternative education provision.

Much of the information Innovate Dorset Ltd. collects is classed as 'personal data' and our use of it is covered by GDPR and the Data Protection Act 2018.

This document gives service users more information about:

- The information Innovate Dorset Ltd. collects.
- What Innovate Dorset Ltd. uses the information for.
- How service users' information is stored and how long Innovate Dorset Ltd. keeps it.
- What rights service users have to the information.

This Policy comes under Data Protection. Innovate Dorset Ltd. has consulted an outsource company, Data Protection Team, on policies and procedures concerning data protection at Innovate Dorset Ltd.

See also the Company ***Health and Safety Policy***, ***Data Protection Policy***, ***Data Protection Procedures***, ***Equal Opportunities and Diversity Policy*** *and* ***Equality and Diversity Policy***.

Data about service users when a complaint or allegation has been made will be retained according to the ***Complaints and Compliments Policy*** *or the* ***Allegations Policy***.

Information the Company Collects about Service Users

What information does the Company collect and use about service users?

The Company collects many different categories of information, for example:

- Personal details (e.g. name, date of birth, and address)
- Contact details
- Family details
- Admission records
- Attendance records
- YP and curricular records
- Absence details
- Behaviour records
- Behaviour management records
- Academic progress
- Examinations details
- Trips and visits
- Extra-curricular activities
- Photographs of the service user
- Images from CCTV

- Files, messages, documents and artwork the service user has produced
- Records of discussions with members of staff
- Records of service users' use of Company IT systems.

In some cases, the Company will also have:

- Information about consultation with other professionals
- Information about supporting service users' learning
- Records of any Company equipment loaned to service users
- Some of the personal data the Company keeps is given greater protection and is known as 'special category personal data'.
    - Special category personal data that the Company collects and uses about service users includes:
        - Information about health conditions
        - Information about sickness related absences
        - Information about service users' ethnic origin
        - Eligibility for free Company meals
        - Safeguarding information.

Why the Company collects and uses this information

The Company uses the information:

- To support the admissions process
- To support service users' learning
- To keep service users safe (emergency contact details)
- To monitor and report on service users' progress
- To provide appropriate pastoral care
- To help the Company manage any health conditions that may affect service users' learning
- To comply with our legal obligations to share information
- To check the quality of our services.

Legal Basis for Using This Information

Depending on the purpose, the Company's use of service users' information will be legal due to one of the following:

- Informed consent given by the service user or the service user's parent/carer [Article 6(1)(a)].
    - *For example, the use of service user's photographs on the Company website*.

- To meet a legal requirement [Article 6(1)(c)].
    - *For example, providing information for the Education Department Census.*
- To protect the vital interests of the service user or someone else [Article 6(1)(d)].
    - *For example, giving the service user's family/emergency contact details to emergency services.*
- Delivering a public task [Article 6(1)(e)].
    - *For example, recording the service user's attendance (or non-attendance) at the Company each day. See the **Attendance Policy**.*

When the Company uses special category data, the Company use is legal due to one of the following reasons:

- Explicit informed consent given by the service user or the service user's parent/carer [Article 9(2)(a)].
    - *For example, if we ever used service user's fingerprints to identify them on the Company systems.*
- The Company is legally obliged to collect and use it [Article 9(2)(b)].
    - *For example, information about the service user's ethnic origin or any disability.*
- To protect the vital interest of the service user or someone else [Article 9(2)(c)].
    - *For example, giving details of health conditions to the emergency services.*
- It is part of delivering a public service [Article 9(2)(g)].
    - *For example, holding data on any medical condition so the Company can help the service user manage it.*

Collecting this information

The Company collects service users' information via:

- Data provided by the Local Authority (LA).
- Data collection through the service user's registration documents.
- Through the Common Transfer File (CTF) from previous Company.

While the majority of information the Company collects about service users is mandatory, there is some information that can be provided voluntarily. Whenever the Company seeks to collect information from the service user or their parents/carers, the Company makes it clear whether providing it is mandatory or optional. If it is mandatory, the Company will explain the possible consequences of not complying.

Storing Service Users' Personal Data

Some of the personal data that the Company collects, and uses, is added to the service user's Educational Record. This record is kept while the service user accesses the

Company's services. If/when the service user leaves the Company, then the record will be:

- If the service user moves to another Alternative Education Provision provider, the Company may transfer a copy of their records to the new Alternative Education Provision provider.
- The Company will retain a full copy of the service user's record until their 25th birthday. After this, the Company will dispose of all the records securely.
- If the service user's record contains information about SEND requirements, then their file will be retained until their 25th birthday, as this is a government requirement. After this, the Company will dispose of all the records securely.

Some personal data is kept for different lengths of time. For example:

- Records of a service user's admission to the Company are kept permanently.
- Detailed information about the service user's attendance is kept for three years.

If a service user would like to know how long the Company keeps a specific piece of personal data, they are to contact the Data Protection Lead.

Sharing Service Users' Personal Data

At times, the Company will share service users' personal data with other organisations and people. The Company will only do this when legally required to do so, when Company policies allow us to do so, or when a service user has given their consent.

Examples of people and organisations the Company shares personal data with are:

- Local Education Authority (LEA), to meet the Company's legal obligations to share certain information with the LEA, such as safeguarding concerns and exclusions.
- If the service user is dual-registered, the school or education provider that the service user is registered with.
- Family, carers, associates and representatives of the person, who are authorised to receive the data, whose personal data the Company is processing.
- The Department for Education.
- Examining bodies.
- To meet the Company's statutory obligations to report information, such as census data and assessment data.
- Health authorities and organisations such as CAMHS, Speech and Language, the Health and Safety Officers, and NHS services to meet the Company's legal obligations to share certain information, including safeguarding, or as vital interest.
- Police forces and Courts.
- Voluntary and charitable organisations.
- The Company suppliers and service providers.

    - *Where the Company shares the service user's personal data with someone who is a supplier or service provider, the Company has taken steps to ensure that they treat the service user's personal data in a way that meets the requirements of GDPR.*
- Financial obligations, e.g. the Education Skills and Funding Agency, to enable the Company to meet our statutory requirements for finance and audit, for reporting purposes.
- Press and the media.
- Youth Support Services (service users aged 13+).
- Careers service.

Youth support services – service users aged 13+

- Once service users reach the age of 13, the Company is legally required to pass on certain information about them to the service user's LA (this will be referred to as 'the relevant LA'), as it has legal responsibilities regarding the education and/or training of 13-19 year olds.
- This information enables the Company to provide youth support services, post-16 education and training services, and careers advisers.
- Parents/carers, or service users once aged 16 or over, can contact the Company Data Protection Lead to request that the Company only passes on the individual's name, address and date of birth to the relevant LA.

Youth support services – service users aged 16+

- The Company will also share certain information about service users aged 16+ with the service user's LA (this will be referred to as 'the relevant LA') and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.
- This enables them to provide services as follows:
    - Post-16 education and training providers.
    - Youth support services.
    - Careers advisers.
- A service user, once they reach the age of 16, can object to only their name, address and date of birth being passed on to the relevant LA or provider of youth support services by informing the Company.
- Data is securely transferred to the youth support service via secure methods and is stored securely and held for the time as defined in the Company **Data Retention Policy**.

Service Users' Rights to Their Personal Data

Service users have rights relating to the personal data that the Company collects and uses. The rights the service user has depends on the legal basis of the Company using the information. If the Company is using the service user's personal data based on their consent, the service user can withdraw that consent and the Company will stop using

that personal data. Withdrawing consent will need to be recorded in writing. To do so, please contact the Company Data Protection Lead.

The right to be informed

If the service user asks the Company, the Company must tell the service user if we are collecting or using their personal data.

If the Company is collecting or using the personal data of service users, the service user has:

The right of access to their personal data

Service users have the right to view the personal data the Company holds about them, to receive a copy of the data, and to be given more information about the data, including any transfer to countries that do not fall under the requirements of GDPR.

Some information the Company holds cannot be accessed in this way. If a service user asks for information that is not available, there may be other ways of accessing it and the Company can help the service user.

To have access to their personal data, the Company will need to collect details of what the service user wants and, in the first instance, the service user can contact the Data Protection Lead.

Other rights

The service user also has rights to ask the Company to correct inaccurate personal data, to ask the Company to stop using it, or to object to the Company using it. For some data, the service user may have the right to ask the Company to erase it, or to provide it in an electronic format so the service user can give the data to someone else. For some personal data, if the Company is subjecting it to automated decision making, then the service user has the right to object to this and request that a person is involved.

The service user will be given full details of these rights if they request access to their personal data or they can ask the Data Protection Lead.

Parents/Carers' Rights to Access Service Users' Personal Data

For service users under 12 years of age, the Company will usually ask the service user's parents/carers to confirm that the service user can access the personal data. The Company will also provide the service user's personal data to their parents/carers if the parents/carers request it.

Once a service user reaches 12 years of age, the Company will usually consider that the service user can make decisions about their personal data. This means that in most cases the service user can request access to their personal data. It also means that the

Company will not normally release service user's personal data to their parents/carers without the service user's permission.

There may be occasions where the Company needs to provide personal data to the service user's parents/carers without the service user's consent. These are likely to occur if there is a concern about the service user's safety. The Company may also release personal data if the service user's behaviour creates concern for the safety or progress of others.

*See also the **Behavioural Policy** and the **Behaviour Management Policy**.*

Important Contacts

The Company has the responsibility to ensure that service users' personal data is protected. This is carried out by the Data Controller (Innovate Dorset Ltd.). All members of staff work for the Data Controller.

The Company has a Data Protection Lead, who is the point of contact for enquiries regarding data protection at the Company:

Kevin Tatchell,
Company Director,
k.tatchell@innovatedorset.co.uk.

If a service user has a concern about the way the Company collects or uses their personal data, the Company requests that the service user raises their concern with the Company in the first instance. Alternatively, the service user can contact the Information Commissioner's Office at https://ico.org.uk/concerns or call 0303 123 1113.

Approved by: Kevin Tatchell
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Signature:

Kevin Tatchell – Company Director
Signed on behalf of the Company.