

**Privacy Notice**

Our statement of how we gather, use, disclose and manage our clients' data.

**The Legal Basis for Processing Personal Data**

We collect & process personal data on a lawful basis (Children & Families Act 2014, Equality Act 2010).

**How we use information**

We collect and hold personal information relating to children, young people, parents, carers and other family members; we may also receive information from schools, other local authorities, the Department for Education (DfE).

We use this personal data specifically to:

* provide you or your child with appropriate services
* measure whether our services are improving provision for children with SEND
* help us develop and improve our services
* complete statistical returns to Government departments

Local Authorities 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. Partner services (internal / external) are also provided with information to assist them with understanding the needs of children living in Southwark and this is used for the planning, commissioning and development of related services.

**Who we share data with**

We may pass data to:

* internal departments
* other local authorities (education, social care, health, employment and other relevant services)
* schools, including non-maintained special schools
* further education colleges and sixth form colleges
* academies (including free schools, universities, technical colleges)
* pupil referral units
* independent schools and independent specialist providers approved under Section 41 of the Children and Families Act 2014
* all early years providers in the maintained, private, voluntary and independent sectors that are funded by the local authority
* relevant Commissioning Boards
* clinical commissioning groups (CCGs)
* NHS Trusts / NHS Foundation Trusts
* Youth Offending Teams and relevant youth custodial establishments
* the First-tier Tribunal (Special Educational Needs and Disability)
* other third-party organisations, as allowed by law
* other partner agencies that provide services on our behalf
* agencies with whom we have a duty to co-operate, such as police

If you require more information about how the Department for Education store and use this data please go to the following websites:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To enable Southwark Council to provide effective joined-up social care and/or health partners, we may share personal information.

You may decide you do not wish your personal information to be collected or shared, or may wish to set conditions on our use of it. In such cases we may not be able to provide the service you require, or may only be able to provide it in a limited way. We have a legal obligation to collect or use personal information to comply with the Local Authorities legal duties.

We do not pass personal data to third parties for marketing, sales or any other commercial purposes.

## How we look after your personal data

Southwark Council respects your privacy and is committed to protecting your personal data. We comply with the Data Protection Act 1998, any subsequent replacement legislation and the General Data Protection Regulation (GDPR) 2018.

We ensure that your personal data is processed fairly and kept securely and for no longer than is necessary.

It is important that the personal data we hold about you is accurate and up to date, so please tell us if your personal details change during your relationship with us. If you are under 18, get your parent or guardian's permission before you provide personal information to us.

It is important you read this privacy when we are collecting or processing personal data about you. In doing so you can be fully aware of how and why we are using your data.

### Equality data

We may use equality data such as ethnic, gender, sexual orientation and age information to compile statistics in order to comply with equality legislation and assist in planning services.

Such data does not identify individuals or affect anyone’s entitlement to services.

## Your rights

You have the right to:

* request access to your personal data (also known as a Subject Access Request).
* request correction of our records.
* request removal of data or limit our use of it (applicable after 25 May 2018). This right is not absolute and we may not be able to comply with your request.
* make a complaint (see below)

To exercise any of these rights please contact your Coordinator in the SEND Team or email [sen@southwark.gov.uk](mailto:sen@southwark.gov.uk)

Data security

We have put in place security measures to prevent your personal data from being lost, used or accessed in an unauthorised way, altered or disclosed inappropriately.

We also limit access to your personal data to colleagues and other third parties who have a need to know in order for our service to be provided. They will only process your personal data on our instructions and are subject to a duty of confidentiality.

We have procedures to deal with any suspected breach of the rules about personal data and will notify you and the regulator of a breach where we are required to do so.

**Retention Periods**

Personal data will not be retained for longer than necessary in relation to the purposes for which they were collected. For those with Special Educational Needs and/or Disabilities, data will be retained for 25 years from date of birth.

**Complaints & Data Controller**

If you are concerned about how the Council is using your data, please contact our Data Protection Officer via [DPO@southwark.gov.uk](mailto:DPO@southwark.gov.uk) or on 020 75525 5000.

More information about your rights is available on our website, or via the Information Commissioner ([www.ico.org.uk](http://www.ico.org.uk)).