**Directorate:** Children and Young People

**Service Area:** Pupil Referral Service

**Contact Details:** **dataprotection@monmouthshire.gov.uk**

**Privacy Notice Name:** Monmouthshire Pupil Referral Service

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| **How we will use your information**This privacy notice will explain how Monmouthshire County Council will use information about you (Learner) if; * You consent for your child’s school, to make a formal written request for referral to the Pupil Referral Service (PRS) Admissions Panel for intevention.
* You visit a CAMHS Consultant/ have a consultation with an Educational Psychologust and you request a supporting letter for tuition for your child as they cannot attend school due to well being concerns.
* You visit a medical clinician if your child is physically ill and cannot attend school for a period of longer than 3 weeks and consequently requires home tuition.

**Source and type of information being processed****Categories of personal data obtained*** Name and Contact details;
* Gender
* Child in Care Status
* Medical records;
* Additional Learning needs records
* Educational Reports;
* Details of family circumstances (Children Services)

Sub categories:* School attendance
* Exclusion date
* Attainment data

**Source of your personal data**This information has been shared with Monmouthshire County Council by other organisations as detailed below* Monmouthshire Schools
* Out of county Local Authority and indpendant provision
* Health (including Independent Services)
* Local Authority Children Services
* Local Authority Education Services
* Education Achievement Service
* Local Colleges if part of the learners programme
* ISCAN professionals
* SNAP cymru
* Medical Professionals
* Specialist Hospital Schools if pupils need to attend these due to illness

If you would like further information on the source of this information, please contact Monmouthshire County Council. You may be required to apply for this information as a Subject Access Request.. |
| **Your Obligations**1. There is a statutory obligation for you to provide the information requested and;
2. There is a contractual obligation / requirement for you to provide the information requested as detailed below so that we can;
* ensure efficient and effective service delivery,
* to fulfil our duty of care towards the children and adults we work with and discharge our safeguarding responsibilities;
* enable liaison with others; to enable good decision-making;
* explain and justify our actions;
* work in line with statutory requirements and contractual obligations for the Local Authority;
* ensure we work in line with the Education Act (1996/2002) and Special Educational Needs Code of Practice for Wales (2002)

Without your information, we will be unable to provide you with access to these services.. |
| **Purpose and legal basis for using your information****Purpose of processing** * The needs of most learners can be met by their school or pre-school setting, sometimes with the help of outside specialists. Schools receive funding to support children with additional learning needs by giving them extra or specific help. However, in some cases the Local Authority will be asked to allocate additional support and/or complete a statutory assessment of a learner’s educational needs.
* Requests for additional support are discussed at the Local Authority’s Specialist Panels including the PRS Admission Panel, which are attended by Officers from Local Authority Education Services and PRS Management Committee members.
* Personal data (described above) is used for decision making at admission panel
* Where referrals are accepted personal data maybe shared with the staff working directly with the learner
* A Statement is a legal document which describes what help a learner requires to meet their additional learning needs. If we support a learner with a statement we would hold a copy, whilst working with the learner.
* Learner attendance and progress during PRS inteverntion are shared with their school.
* Learner targets are shared with the Education Achievement Service only if the learner is not on roll at school.
* Learner’s details may need to be shared with other agencies such as Education Welfare Services if we have concerns about attendance (The Education Welfare Service have their own privacy notice)
* We may request your permission to make referrals to agenices who could provide support for a child. If we need to make these referrals we will discuss with you and secure your permission.

**Our legal reason(s) for using your information:**We are relying on your explicit consent to process your personal information. There is a statutory requirement to process your information, as detailed below:* Education Act (1996/2002); Special Educational Needs Code of Practice for Wales (2002)

 In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below;* 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;

Data Protection legislation provides extra protection for certain classes of information called ‘special personal data’. If any in question falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below;* processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

 For further information on legal basis please visit [www.ico.org.uk](http://www.ico.org.uk) |
| **Your right to withdraw your consent*** You have the right to withdraw your consent to the processing of this information. To withdraw your consent, please contact the Service Area whose details are contained on the top of this document. Withdrawing your consent may mean our admission process would not continue or existing intervention may cease.
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| **Who will have access to your information?*** The Data Controller for your information is Monmouthshire County Council.

 Email: dataprotection@monmouthshire.gov.uk* Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

**These are the departments we may share your data with internally:*** Children and Young People
* Educational Psychologists
* Education Welfare Service
* Specific Learning Difficulties Service
* Additional Learning Needs Team
* Admissions
* Legal Services
* Children Services
* Safeguarding
* Passenger Transport Unit
* Health and Safety Officers
* Audit /Finance

**These are the agencies/ organisations we may share your data with externally:*** Careers Wales
* Health Boards
* Welsh Government
* Special Educational Needs Tribunal Wales
* SNAP Cymru
* Maintained Schools and Educational Settings
* Non-maintained Nurseries, Schools and Independent Specialist Settings/Schools
* Other Local Authorities
* Appropriate professionals involved in aspects of an individual child’s education; e.g. Coleg Gwent Colleagues

**Requests for information**All recorded information held by Monmouthshire Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and General Data Protection Regulation including any other Data Protection law.If the information you provide is subject to such a request, where possible Monmouthshire County Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows. |
| **How long will we retain your information?**How long Monmouthshire County Council retains information is determined through statutory requirements or best practice. |
| **Is automated decision making / profiling used?**Generally, there are no decisions made in Monmouthshire County Council that solely rely upon automated decision making or “profiling” alone. For further information contact dataprotection@monmouthshire.gov.uk |
| **Your Rights****Your rights under the General Data Protection Regulation are:** * The right of access to personal data.
* The right to prevent processing likely to cause damage or distress.
* The right to prevent processing for marketing purposes.
* Rights in relation to automated decision making.
* The right to compensation if Monmouthshire County Council fail to comply with certain requirements of the Data Protection Act in respect of your information.
* The right to the rectification, blocking, erasure or destruction of your information in certain circumstances.

For further information please refer to [www.ico.org.uk](http://www.ico.org.uk) |
| **Complaints Procedure*** If you object to the way that Monmouthshire County Council is handling your data, you have the right to complain. Please contact the Service Area detailed at the top of this document outlining your issues. Please follow this link for further information on the [complaints process.](http://www.monmouthshire.gov.uk/feedback)
* If you remain unhappy you also have a right to complain to the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)
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|  | **Privacy Notice No:****Date Created:****Date Published:****Version Number:** | CYPPRS00118.05.201825.05.20181 |

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| **Data Privacy Summary Notice** |

If personal data is requested from a data subject, the Summary Privacy Notice should be contained in the form if used or at the bottom of the request communication if a form is not used.

If the data subject provides us with their personal information which has not been requested then the Summary Privacy Notice should be contained at the bottom of the acknowledgment letter.

If the personal data was obtained for a source other than the data subject, we have an obligation to inform the data subject that we have received / processing information about them, unless an exemption is applicable. This Summary Privacy Notice should be contained at the bottom of that communication.

**How we will use your information**

Processing of your personal data by Monmouthshire County Council (MCC) is necessary to undertake assessment of your educational needs or allocate appropriate resources to support your learning. Without this information, the Pupil Referral Service within MCC may not be able to identify the appropriate intervention to meet your needs.

Your details will be legitimately shared with in a safe and secure manner. From time to time it may also be necessary that we share your personal details with external agencies. Your personal details will not be shared further, unless in relation to safeguarding or other legal obligations.

Your records will be safely stored and retained in line with our retention policy, unless we need to retain under another lawful basis.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right to complain if you are unhappy with the way your information is being processed.

Should you need to make a complaint about the way your data has been processed, please contact dataprotection@monmouthshire.gov.uk or if you are not fully satisfied you may contact the Information Commissioner’s Office online at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) or via their helpline: 0303 123 1113