

East Lothian Council Privacy Statement: Education Management Information Data

Section 1: Our contact details

Your personal information is being collected by:
East Lothian Council
Education,
John Muir House
Haddington
EH41 3HA
Telephone: 01620 827827
Email:
educationenquiries@eastlothian.gov.uk

Data Controller:
East Lothian Council
John Muir House
Haddington
EH41 3HA

Data Protection Officer:
East Lothian Council
John Muir House
Haddington
EH41 3HA
Telephone: 01620 827827
Email: dpo@eastlothian.gov.uk

Section 2: Why we need your personal information

The personal information we need to collect is required for the purpose below:

To secure the safety and welfare of every child of school age and ensure that their education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.

East Lothian Council is legally required to protect the public funds it administers. For this reason, your information may also be used to prevent and detect fraud, and we may share your information with other organisations responsible for auditing and administering public funds. For more information, please visit:

http://www.eastlothian.gov.uk/info/704/data_protection_and_freedom_of_information/433/how_we_use_the_information_you_provide

Section 3: Legal Information

In order for us to collect and use your information, we have to have a 'legal basis' for doing so. The legal basis for processing your personal information is:

We are processing your personal data as part of our public task as a local authority.

The statutory basis for our public task includes:

- Education (Scotland) Act 1980
- Children (Scotland) Act 1995
- Standards in Scotland's Schools etc. Act 2000
- Additional Support for Learning (Scotland) Act 2004
- Equality Act 2010
- Education (Scotland) Act 2016
- Children and Young Persons Act (Scotland) 2014

The kinds of personal information we are collecting include:

1. Name
2. Previous name
3. Address

4. Date of birth
5. Information about other people, such as emergency contact details
6. National Identity
7. Languages spoken
8. Attainment and achievement
9. Asylum Status
10. Free School Meal status
11. Sex
12. Ethnic origin
13. Religion
14. Medical/health information including psychological wellbeing
15. Additional Support Needs
16. Looked After Status
17. Disability status
18. Pastoral support information
19. Behaviour
20. Child plans

The types of information listed in points 11-20 above are known as 'special category' personal information. We need an additional 'legal basis' in order to process these kinds of information.

The legal basis for processing your special category (no's 11-13) information is:

Your information is of substantial public interest, according to the definition set out in the Data Protection Act 2018.

The legal basis for processing your special category (no's 14-20) information is:

We need to process your information to provide social care and to manage health and social care systems and services.

Section 4: Sharing and transfer

At any point of the year, parts of your data may be shared with the following:

- Other services within East Lothian Council, including Education, Children's Wellbeing, Partnership & Services for Communities
- NHS Service
- Police: Where appropriate and for the purposes of Child Protection
- Central Government: ScotXed (Scottish Government Data Exchange). Further information on what information the Scottish Government use can be found on: <http://www.gov.scot/Topics/Statistics/ScotXed/SchoolEducation/ESPrivacyNotices>
- Others (Software Suppliers etc): SQA (Scottish Qualifications Authority), SEEMIS (Scottish Education Establishment Management Information Service), Skills Development Scotland (SDS), Groupcall, Contact Group, Teachers2Parents, Library Management Systems
- 3rd Party Assessment Providers, some of whom are based outwith the European Union
- Edinburgh College, where appropriate, to enable teaching delivered on behalf of or in partnership with East Lothian Council.

Section 5: How long will we keep your personal information?

We keep your personal data in line with our data retention policy, called a Retention Schedule. For a downloadable copy of the Council's Retention Schedule, please visit our website at www.eastlothian.gov.uk and search for 'Retention Schedule'.

IMPORTANT: COVID-19 TEST AND PROTECT

East Lothian Council may be required to share your contact information as part of the Scottish Government's Test and Protect strategy – 'test, trace, isolate, support' – which is designed to break chains of transmission of COVID-19 in the community.

In the event that you or another person with whom you come into contact tests positive for COVID-19, we might need to share your personal information with the following:

- Other services within East Lothian Council
- Scottish Government
- NHS
- Other recognised government or public health authorities

We will only share your contact information if it is necessary to do so as part of the Test and Protect programme, and we will only share the minimum amount of information that is necessary. We will not share your personal information with other private individuals.

The information to be shared includes:

- Your name
- Your telephone number
- The dates and times of your attendance at school.

If you do not have a telephone number, the Council may share your postal address and/or email address.

The legal basis for sharing your personal information under Test and Protect is that it is necessary for the performance of a task carried out in the public interest.

Section 6: Your rights

1. You have the right to be informed about how your information will be used.
2. You have the right to access your personal information. Normally this is done by placing a 'Subject Access Request' with the Council. For more information on placing Subject Access Requests, please visit https://www.eastlothian.gov.uk/info/210598/access_to_information/12300/access_to_information/1
3. You have the right to ask us to correct inaccurate or incomplete information.
4. In certain circumstances, you have the right to have your personal information erased.
5. In certain circumstances, you have the right to ask us to limit the ways we use or share your information.
6. In certain circumstances, you have the right to ask us to move, copy or transfer your information to another organisation in an electronic format.
7. In certain circumstances, you have the right to object to the ways we process your information.

8. In circumstances where your data is processed automatically, without human intervention, you have the right to certain protections.

You can find more information about data protection and your rights on the Information Commissioner's Office (ICO) website at <http://www.ico.gov.uk>.

Section 7: Complaints

We take your privacy seriously, and would like to know about your concerns so that we can address them as soon as possible. If you wish to make a complaint, we recommend that you contact the Council's Data Protection Officer using the contact details at the start of this Privacy Notice.

If we are unable to resolve the issue to your satisfaction, you have the right to complain to the Information Commissioner's Office (ICO). You can find further information about raising a concern with the ICO on their website: <https://ico.org.uk/concerns/>.

You can contact the ICO by post at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113 / 01625 545 745

For any further details regarding the content of this specific Notice, please contact the Education Department using the details provided at the top of the Notice. Further details on how East Lothian Council use your personal information, please visit:

https://www.eastlothian.gov.uk/info/210598/access_to_information/12340/privacy_and_cookies