PRIVACY NOTICE

Education – Educational Psychology Service

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

Moray Council's Educational Psychology Service (EPS) will collect personal data about children/young person(people) and their parents/carers in order to provide an EPS. The service is available for children and young people between 0 and 24 years of age.

The personal data collected may include names, and contact details (address, email address and telephone numbers). We may also collect additional personal data including the child/young person's: date of birth, school, gender, additional support needs, health information, summary of concerns/reason for the referral, and, observations, consultations, assessments and interventions carried out. Further personal data could include: child protection register status, looked after status, refugee status, all copies of your communications with us and our responses, assessment information, reports on educational progress, advice offered, intervention records, child's plan records, minutes of meetings, action plans, coordinated support plans (or equivalent), and, reports from partner agencies and services.

The data collected will be used to:

- provide support for children/young person(people) through the EPS.
- communicate with you and your child/young person about the service and provide advice to you, your child/young person and those working with you or your child(ren)/young person(people).
- contribute to the child's plan or coordinated support plan.
- undertake research on behalf of the education authority.

The Council does not use an automated process for making decisions about your child or the services required; decisions are made collaboratively with you and the team around your child.

The Council is legally required to provide an EPS under the Education (Scotland) Act 1980. It is your choice to access the Service, with the exception of matters of child protection, requests from the Scottish Children's Reporter's Administration, or Court ordered. You may withdraw from using our service at any point, however, we will require to process the data held in accordance with the retention period outlined below.

EPS undertakes research and evaluation activity. Where this is done, personal data about you or your child(ren)/young person(people) is obtained with you or your child(ren)/young person(people)'s consent. This is fully optional, if you or your child(ren)/young person(people) opt not to take part in evaluation activity or research, it will not affect the provision of EPS to you/your child(ren)/young person(people).

Personal data we collect from other sources

We may gather information about you and your child(ren)/young person(people) from a variety of sources, for example from professionals already involved with your child(ren)/young person(people) such as teachers and support staff at their school, health professionals such as speech and language therapists and paediatricians, or, a social worker who knows you and your family.

Where we request information from third parties about your child, you will be informed.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR); because the personal data is necessary for the performance of a task carried out in the public interest. The Council has a legal obligation as an education authority to provide an EPS under the Education (Scotland) Act 1980.

We understand our legal basis for undertaking research and evaluation activity to be Article 6(1)(a) of the UK GDPR, because you have given consent to your personal data being used for these purposes.

Personal data that counts as 'special category data', such as data about health, must satisfy extra conditions when processed. We understand that our legal basis in data protection law for processing this special category data to be Article 9(2)(h) of the UK GDPR and , Schedule 1, Part 1, Paragraph 2 of the Data Protection Act 2018, as the processing is necessary for the provision of health or social care or treatment, or the management of health or social care systems and services.

Who we share this personal data with

Personal data will only be shared (other than in child protection situations) where necessary to allow us to provide an EPS. Internally, personal data may be shared with other Council services, including Education and Social Work. Externally, personal data may be shared with NHS Grampian (for example Doctors, Health Visitors and Speech and Language Therapists), and, other external partners, such as the Children's Reporter's Administration.

In these instances, only relevant information contained in, or copies of, reports, consultations and letters would be shared as necessary to provide a service under the Scottish Government's Getting It Right For Every Child policy and the Education (Scotland) Act 1980. If asked to share data, Educational Psychologists will use their professional judgement to identify which information is appropriate and necessary to share with the other professionals involved, in order to inform decision-making and assessment.

Data will be shared with another local authority's Education Service/EPS if they have or are likely to assume responsibility for the education of you or your child(ren)/young person(people). We will only share information with an outside body if you are currently, or if you become, involved with these services.

Personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable, for example where we are working with them to support and provide services to you.

The Council may share this personal data with other relevant Council Services and third parties where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies. We may also be legally obliged to share data with inspection and scrutiny bodies such as Education Scotland, His Majesty's Inspectorate in Education and Child Protection Officers, for the purpose of inspecting the EPS. They may review the data we hold regarding your child(ren)/young person(people) as well as the processes we use.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

You have the right to withdraw your consent to taking part in research and evaluation activity undertaken by EPS at any time by contacting: educationalpsychology@moray.gov.uk

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/