PRIVACY NOTICE

Education – Counselling for Schools

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

The Council has contracted The Exchange (Therapeutic Counselling Services Ltd) to provide a counselling service for Moray school pupils. Personal data will be collected when a referral form for counselling support is completed on their website: https://www.exchange-counselling.com/new-referral

The form will collect the following personal data:

- Pupil: Name, Address, Date of Birth, Contact Details, Gender, any relevant health information, which school attended, school year, legal status and care experienced (e.g. looked after)
- Pupil's Parent(s)/Carer(s): Name, relationship to pupil, Contact details (potentially including: phone, email, address)
- Email address of the person completing the referral form.

This data will be used to contact the pupil, or the pupil's parents/carers (for pupils aged 10-12years), to arrange providing the counselling service.

Personal data that pupils wish to discuss during their counselling sessions will be used to support pupils with issues relating to their mental health and wellbeing, as part of this counselling service.

Personal data we collect from other sources

Personal data about a pupil will be collected when a referral form is completed on the pupil's behalf, for example by a parent/carer, or school based professional. The pupil will have been made aware of the referral before it is completed and submitted.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. All Moray Council school pupils are provided with a private and confidential counselling service to support health and wellbeing, which can be accessed by all pupils aged 10+ years. Although the agreement of pupils and/or their parent(s)/carer(s) is sought when engaging with the service, we understand the Council's basis in data protection law for processing the personal data used within the service once this engagement takes place 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 i.e. the Council's provision of an educational service to the children within Moray as set out under:

- Education (Scotland) Act 2016
- Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)
- Children and Young people (Scotland) Act 2014.

Personal data that counts as 'special category data', such as data about health, ethnicity and religion, 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

Your personal data will be shared with The Exchange (part of Therapeutic Counselling Services Ltd), a specialist counselling organisation the Council has contracted to provide this counselling service for Moray school pupils ages 10+ years. We make sure that they process personal data appropriately through our contractual arrangements with them. For more information on how The Exchange process personal data, please see the Privacy Policy available on their website here: www.exchange-counselling.com/privacy-policy

Anonymised statistical data is reported to the Scottish Government to monitor the health and wellbeing of children in Scotland. No personal data, such as information disclosed within counselling sessions, or any data that could identify anyone using the counselling service is shared with the Scottish Government.

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.

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: http://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.

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/