

# **Education Services (including primary and secondary schools, special schools, supported learning centres, communication centres and early learning and childhood centres)**

## **Privacy Notice**

This notice is provided for clarification on what information Education Services needs in order to process information regarding pupils, parents, carers and other individuals. It is necessary for Education Services to gather, collect, store and process personal information to assist in the running and provision of an Education Service to communities throughout East Ayrshire.

Education Services puts measures in place to protect the privacy of individuals throughout this process.

### **Who is responsible for your information?**

All personal information is held and processed by East Ayrshire Council in accordance with the Data Protection law. For information on the role of Data Controller, Data Protection Officer and Contact Details for the Council, please refer to the '[Privacy Statement](#)' of the Council's website:

### **What information do we need and why?**

Personal data is required to be collected by the Education Service in order to carry out its duties as a provider of education services under the Education (Scotland) Act 1980 and the Education (Scotland) Act 2016.

Personal data includes identifiers such as Name, Address, Date of Birth and personal characteristics such as gender and ethnic group, qualifications/ training, and health or absence information.

### **What is the lawful basis for processing the data ?**

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing individuals' data are:

- (1) Contract - The processing is necessary for a contract
- (2) Legal Obligation - The processing is necessary for Education Services to comply with the law
- (3) Public task - the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- (4) Consent - in limited circumstances, for instance relating to taking pictures for promotional purposes, Education Services may rely on an individual's consent to process their personal data. Where Education Services is relying on an

individual's consent to process personal data then individuals have the right to withdraw this consent at any time.

### Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Education Services will have a requirement to process some types of Special Category Data and in particular:

- racial or ethnic origin information for monitoring purposes
- health information for pupil assistance and absence monitoring
- pupil biometric data to administer the school catering system

The lawful basis for processing Special Category Data is:

- (1) The 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;
- (2) Consent - in limited circumstances, for instance with regards to using biometric data to administer the school catering system, Education Services may rely on an individual's consent to process their personal data. Where Education Services is relying on an individual's consent to process personal data then individuals have the right to withdraw this consent at any time.

### **Who will we share your information with?**

Education Services receive an individual's personal data from or share and individual's personal data with:

- The Scottish Government
- Education Scotland
- External contractors (transport)
- NHS
- Private nurseries;
- Strathclyde Passenger Transport;
- Scottish Children's Reporter Administration;
- Social Work Services
- Scottish Public Services Ombudsman;
- The (UK) Information Commissioner;
- Ayrshire College and other higher education establishments

Education Services will also share pupil information with approved external software organisations providing educational products such as homework or tuition apps/online

services, so that pupils can be registered and utilize the learning products.

Where information is shared with other organisations or processed on our behalf, we will ensure adequate protection by ensuring contracts and sharing agreements are in place that define security controls around the sharing of the information.

Education Services will also make any disclosures required by law and may also share information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds.

## **How long do we keep your information?**

Education Services will only keep your personal data for as long as necessary. Full details of how long Education Services retains personal data can be found in the Council's [Retention Schedule](#). After this time personal data will be securely destroyed.

## **Providing accurate information**

It is important that we hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform Education Services as soon as possible so that they can update their records.

## **Individuals' data processing rights**

Under data protection legislation, individuals have the right to request access to information about them that the Council holds. Further details can be found in the Council's [Privacy Statement](#)

Individuals also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means; and
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- in certain circumstances, transfer their data to another organisation (data portability)

Individuals can contact the Council regarding their data protection rights and the processing of their data. Details of how to do this can be found on the Council's Privacy statement.

If individuals have a concern about the way Education Services is collecting or using their personal data, they should raise their concern in the first instance with the Council's Data Protection Officer; contact details can be found on the Council's [Privacy Statement](#).