

## Shetland Islands Council

### Schools-Quality Improvement Data Protection Privacy Statement

#### Who we are?

Shetland Islands Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can contact our Data Protection Officer by post at this address, by e-mail at: [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) and by telephone on (01595) 744 550.

The Data Protection Officer for Shetland Islands Council is the Executive Manager – Governance and Law.

#### Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to provide a range of Education Services for early learning and child care, primary and secondary settings because the law states that we must.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

The services we provide include but are not limited to:

- Services to support access and inclusion in education;
- Keeping children and young people safe;
- The educational establishment attended by the young person;
- Admissions to schools; transitions, including out of catchment placing requests and appeals;
- The provision of arts, creative learning and lifelong learning opportunities;
- International education;
- Education welfare services to provide support and advice;
- Overseeing curriculum development;
- The provision of school transport;
- Attendance;
- Attainment;
- Pastoral care to support the health and wellbeing of children and young people;
- Behaviour and exclusions;
- Additional support needs;
- Digital learning;
- Excursions and activities;
- The provision of school meals;
- The provision of work experience;
- Complaint handling;
- Medical Information;
- Child Protection;
- Educational Psychology.

#### Legal basis for using your information

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website. Processing your personal information is:-

- a) necessary for the performance of a task carried out in the public interest by the council;
- b) necessary for the compliance with a legal obligation to which the council is subject.
- c) necessary to protect the vital interests of you or another person.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We also need to process more sensitive personal information about you:

- a) for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law.
- b) Because we may need to protect your vital interests and the vital interests of others in circumstances where we will not be able to seek your consent.

Where we are relying on task carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. Some of the key legislation and standards we adhere to are detailed below:

- Education (Scotland) Act 1980
- Education (Scotland) Act 2016
- Education (Disability Strategies and Pupils' Educational Records)(Scotland) Act 2002
- Education (Additional Support for Learning) (Scotland) Act 2004
- Standards in Scotland's Schools etc. Act 2000
- Children (Scotland) Act 1995
- Equality Act 2010
- Children and Young People (Scotland) Act 2014

As a Local Authority we are also scrutinised by:

- Care Inspectorate
- Shetland Adult & Child Protection Committee
- Education Scotland
- Scottish Social Services Council (SSSC)
- Her Majesties Inspectorate of Education

To all of these we report our performance and practice to ensure our standards, conduct and practice adhere to the legislation and public expectation. Where data is used for statistical, performance and improvement purposes, it is anonymised.

### **What personal data we hold, and how we obtain it?**

The types of personal data we hold and process about pupils, parents and carers can include:

- Name, address and contact details;
- Date of Birth, ethnicity, first language, country of birth;
- Relevant information about family members/carers;
- Relevant medical information;
- Pastoral notes;
- Assessment information;
- Religious or philosophical beliefs;
- Data concerning additional support needs;
- Bank details for processing payments;

- Details of complaints;
- Details of accidents;
- Communications and responses between Schools-Quality Improvement and yourself;

The information that we hold is collected in various ways including:

- Paper and online forms;
- Verbally;
- Telephone;
- Email;
- Through partner agencies such as; Police Scotland, NHS Scotland and voluntary organisations working with the council;
- Transfer of pupil records from previous schools;

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

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

All pupil information is held within a secure information management system. We share information with a number of relevant services and organisations which include but are not restricted to:

- The Scottish Qualifications Authority (SQA) – for the purpose of assessment and qualifications
- Scottish National Standards Assessments (SNSA) for the purpose of assessment and qualifications.
- GLOW
- Police Scotland, if there are Safeguarding requirements.
- NHS Scotland
- Scottish Government
- SEEMiS – The standard Management Information System (MIS) provider within Scottish Education
- Education Scotland
- Employers offering work experience placements.
- Skills Development Scotland
- Work It – a Gateway service hosted by Glasgow City Council for the management of work experience placements
- Parent Pay – making payments for school meals, trips etc.
- Capita – for financial payments for a variety of additional services
- To other authorities/schools for transitions both within and out with the local authority.

- Ombudsmen; e.g. The Care Inspectorate or Information Commissioners Office
- Partners both within and outside the EU to facilitate exchange student visits – Parents will have given permission for details to be passed on, we have no jurisdiction over the security of data held by the recipient.
- External organisations providing supporting technology to supplement learning.

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

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at <http://www.shetland.gov.uk/information-rights/InformationManagement.asp> or you can request a hard copy from the address above.

### **Your rights under data protection law**

#### **Access to your information**

You have the right to request a copy of the personal information that we hold about you.

#### **Correcting your information**

We want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

#### **Deletion of your information**

You have the right to ask us to delete personal information about you where:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- our use of your personal information is contrary to law or our other legal obligations.

#### **Objecting to how we may use your information**

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

#### **Restricting how we may use your information**

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

#### **Information you have given us about other people**

If you have provided anyone else's details to the Council, please make sure that you have told them that you have given their information to Shetland Islands Council. We will only use this information for a specific purpose, e.g. to contact those people in the event of an emergency, to assess your own entitlement to a

service or to contact them in order to take up references in the event that you are successful in your job application.

If they want any more information on how we will use their information they can visit our web site at <http://www.shetland.gov.uk/information-rights/DataProtection.asp> or email [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk).

## **Complaints**

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at [dataprotection@shetland.gov.uk](mailto:dataprotection@shetland.gov.uk) or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

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

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.