

## Privacy Notice for Warwickshire Tracking and Supporting the Participation of 16-18 (up to 25 SEND) year olds into Education, Employment or Training Service

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This notice tells you about:

- the information Prospects may hold about you,
- how we will protect your information,
- how we may share or use this, and
- the rights you have.

As a joint 'Data Controller', Prospects must comply with Data Protection laws. We will protect the information we hold about you to ensure your right to privacy.

If you have any questions, want further information, or want to exercise your rights as listed in this notice, please contact our Data Protection Officer by emailing [Security@prospects.co.uk](mailto:Security@prospects.co.uk).

Warwickshire County Council asks Prospects to carry out its legal obligations to encourage, enable and assist young people to participate in education or training.

Specifically these are:

- To secure sufficient suitable education and training provision for all young people in their area who are over compulsory school age but under 19 or aged 19 to 25 and for whom an Education, Health and Care (EHC) plan is maintained. **This is a duty under the Education Act 1996**, to fulfil this, Warwickshire County Council need to have an overview of the provision available in their area and to identify and resolve gaps in provision.
- To make available to all young people aged 13-19, and to those between 20 and 25 with special educational needs and disabilities (SEND), support that will encourage, enable or assist them to participate in education or training **under Section 68 of Education and Skills Act 2008**.
- Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about young people so that those who are not participating, or are NEET can be identified and given support to re-engage.

## **Your personal information**

We may collect personal information directly from you, from an organisation that introduces you to our programmes, or other organisations you agree for us to contact. The information may come from application forms, letters, emails or text messages, written material, spreadsheet lists or discussions.

The information we collect and process could include:

- Name, address, email address and telephone number, to enable us to contact you.
- Date of birth, to identify you.
- Racial and ethnic origin for statistical purposes to be transparent and allow the public to monitor the delivery of services, and to meet any related needs.
- Disability or health conditions and wellbeing status to tailor our services to your needs.
- Any criminal record you may have, so we can provide advice and guidance to you.
- Information relating to your work history, past experience, education history, housing situation, benefits claiming and right to live and work in the UK to better tailor support to your needs
- Details of jobs you apply for and activities you undertake on our programmes, to help you increase your skills, find/stay in employment and improve your health and wellbeing

Prospects may also use your information to meet our contractual obligations; for statistical purposes to monitor our performance and identify trends; to evaluate the effectiveness of our service; and claim payments from commissioners.

## **Protecting your information**

Your data will be stored on secure databases, and only accessed by authorised personnel who have a need to know the information. Data will not be processed outside the European Economic Area.

Information may be shared with third parties for administration, management and/or service delivery purposes, where it is necessary and lawful for Prospects to do so. In all cases we will share only the minimum information necessary, and will do this using secure methods such as face-to-face meetings and secure mail.

We will only keep your information for as long as we need to meet our contractual and legal obligations. When the information is no longer required, we will destroy it securely.

## Authority to collect and process your information

Under Data Protection law, Prospects has the following legal bases for processing personal information:

- it is needed for the performance of a contract you have with us, or to enter a contract, such as accessing our services.
- it is necessary for Prospects' legitimate interests, specifically enabling us to provide the services we are commissioned to deliver by Warwickshire County Council.
- it is necessary for compliance with legal obligations to which Warwickshire County Council, as the Data Controller is subject (Article 6 (c) of the GDPR), and we are commissioned to deliver. The applicable legal obligations are set out in Schedule 1.
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller (Article 6 (e) of the GDPR). To help to improve services and to inform the public of how your school (while you are in compulsory education) and your local council are performing.

We lawfully process Special Category data to provide anonymised statistics to the Department for Education, Warwickshire County Council and, on leaving Year 11, the school you previously attended. These statistics help to ensure the correct provision is put in place to support and encourage young people to participate in learning and training. *Article 9 (2) (g) of the EU General Data Protection Regulation (GDPR) and additionally Schedule 1, para 6 (2) (a) DPA 2018.*

Prospects, on behalf of Warwickshire County Council, processes the information recorded on its Client Caseload Information System and submits information back to the Department for Education, for statutory returns covered by the Education and Skills Act 2008.

Section 72 of Education and Skills Act 2008 places a duty on educational institutions to provide information to local authority services in order for them to deliver their duties under section 68. Sections 76 and 77 provide additional data sharing powers to support local authorities to deliver their duties under section 68. Prospects has data sharing agreements with education providers and other public bodies that set out the information they will provide, when it will be provided and how information will be passed securely.

## Sharing your information

To ensure you get maximum benefit from working with Prospects, and to comply with our contractual obligations, we may need to share some of your information with other organisations and/or individuals.

These could include:

- The organisation that referred you such as Schools, Colleges, Jobcentre Plus, a Local Authority, Health Service Provider etc. – to tell them how you are progressing.
- Our service delivery partners – to help you get the right support to meet your needs.

- Training providers – to help you improve specific skills or gain qualifications.
- Employers – to help you find work or get work experience.
- Charities or voluntary sector organisations providing specific support services.
- Health care providers and professionals – to help you access essential services.
- Your representatives e.g. carers, family members, where you ask us to.
- The police and other law enforcement agencies – we may be required to release your data for the purposes of criminal investigations or to support you in a crisis.

We will only share information where we have a legal basis as shown above, contractual obligation or when we must by law.

Should you wish us not to share your data with a particular organisation or person, please tell the member of the Prospects team who is working with you, so we can note this on our records. You can add to or change this list at any time by writing to us (by letter, email, SMS). By requesting this change, this could result in us no longer being able to provide a service to you.

## **Your rights and responsibilities**

You have the right to:

- See any of the personal data we hold about you.\*
- Have your personal data corrected if it is inaccurate or incomplete.
- Ask us to remove or delete personal data where we are not entitled to hold this, or if there is no good reason for its continued processing.
- Restrict or stop us processing your personal data in certain circumstances.
- Withdraw consent (where relevant) at any time.
- Make a complaint to the Information Commissioner's Office if you think we are doing something wrong.

If you wish to exercise any of these rights, please contact the Data Protection Officer for details of how an application may be made.

When you are accessing your personal data through Prospects IT systems you are responsible for following all security instructions e.g. protecting your password, logging out of computers correctly etc. Prospects cannot accept responsibility for the loss or theft of your personal data if caused by your own negligence.

## SCHEDULE 1

### **Power(s) and Policies Governing the Disclosure of Personal Data**

- a. The Education Act 2011 (s. 74)
- b. The Education and Skills Act 2008 (s. 10, 12, 13, 14, 17, 68, 70(1)(b) & 72)
- c. The Further and Higher Education Act 1992 (s. 90)
- d. Department of Education Statutory Guidance 2013
- e. The Children Act 2004 (s. 10, 11, 12, 52)
- f. The Children and Families Act 2014 (s. 25)
- g. Children & Social Work Act 2017 (s. 3)
- h. SEND Code of Practice: 0-25 Years
- i. The Rehabilitation of Offenders Act 1974
- j. The Human Rights Act 1998 (article 8)
- k. The EU General Data Protection Regulation (GDPR)
- l. UK Data Protection Act 2018
- m. Working Together to Safeguard Children (HM Government Statutory Guidance)
- n. The Prevent Strategy
- o. Raising of Participation Age
- p. Common law powers of disclosure