



Privacy Notice Specialist Advisory Teaching Service - Development Language Disorder (DLD)

When processing your personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this document.

Data Controller

Name	Cumbria County Council
Address	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Registration Number	Z5623112

You can search the Information Commissioner's Register of Fee Payers at:
<https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

Data Protection Officer

The council's Data Protection Officer is Claire Owen. You can contact the Data Protection Officer by:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Purpose

In accordance with [Chapter 2 SEND Code of Practice](#) the Specialist Advisory Teaching Service – DLD (Development Language Disorder) is responsible for making arrangements for providing children with Special Educational Needs (SEN) or

disabilities, and their parents with advice and information about matters relating to SEN or disability.

At present due to COVID-19 restrictions the Specialist Advisory Teaching Service is unable to conduct assessments in person, therefore reasonable adjustments have been made to procedures to allow for practitioners to carry out Video Assessments via MS Teams.

These adjustments have been made in accordance with:

- the [SEND Code of Practice](#) that says: “All providers **must** make reasonable adjustments to procedures, criteria and practices and by the provision of auxiliary aids and services”, and
- [Section 19 of the Children and Families Act 2014](#) that makes it clear that local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), **must** have regard to:
 - the need to support the child or young person, and the child’s parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood
 - the early identification of children and young people’s needs and early intervention to support them
 - collaboration between education, health and social care services to provide support
 - high quality provision to meet the needs of children and young people with SEN
 - a focus on inclusive practice and removing barriers to learning
 - make arrangements for providing children with SEN or disabilities, and their parents, and young people with SEN or disabilities with advice and information about matters relating to SEN and disability (Chapter 2)

Observations made by Practitioners during recorded Video Assessments will be used to inform:

- Education Health and Care Plans
- Early Help Assessments
- Requests for Tribunal Information

Data Collection

Data will be collected directly from a child or young person and relevant school staff via a Video Assessment. The assessment will be conducted by a Practitioner via an MS Teams meeting. The assessment will be recorded to enable the Practitioner to reflect more fully on the child/young person’s needs.

Data Types

The following data is required to meet legal obligations and to enable practitioners to reach informed and robust recommendations and decisions:

- Name
- Date of Birth
- School Name
- Contact Details

During Video Assessments, Practitioners may also collect, store and use the following 'special categories' of more sensitive personal information:

- Education
- Health Conditions
- Mental Health including thoughts/feelings
- Personal Circumstances

Legal Basis for Processing Data

When we collect your personal data (such as name, age, address) we rely on the following legal bases:

- **GDPR Article 6(1) (c) Legal Obligation**

Where the council is relying on GDPR Article 6(1)(c) all [Relevant Legislation](#) is listed below.

When we collect your 'special categories of personal data', (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **GDPR Article 9(2) (b) Employment/social security and social protection**

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- SEND Code of Practice
- Children and Families Act 2014 (Section 19)

Automated Decision-Making/Profiling

Personal data is not used for automated decision-making or profiling purposes.

Data Transfers

Personal data is not transferred to a third country or international organisation.

Data Sharing

Recordings of Video Assessments are only accessed by the Practitioner conducting the assessment and only used for data quality, reporting and learning purposes.

Although the recording is not shared, the report populated from information collected during the Video Assessment, may be shared with relevant professionals to assist with the completion of:

- Education Health and Care Plans
- Early Help Assessments
- Requests for Tribunal Information

Please be aware that if an enquiry or complaint is received relating to the Video Assessment it may be necessary to share it with other professionals, internal services or other public bodies/organisations. Practitioners will make all reasonable efforts to contact any individuals whose rights or privacy may be affected by the processing described above.

In the event that a child/young person becomes upset or discloses sensitive information during a Video Assessment, the Practitioner would be required to follow relevant Safeguarding Procedures.

Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The recording of the Video Assessment will be kept on a secure council system and can only be accessed by the relevant practitioner for 20 days after the assessment.

Your Rights - Data Subject Access

The General Data Protection Regulation (GDPR) provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month;

- let you know if your request is subject to an extension;
- make reasonable efforts to comply with the format of your request;
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request by contacting:

Email: information.governance@cumbria.gov.uk
Post: Cumbria County Council, Information Governance Team
Parkhouse, Baron Way, Carlisle CA6 4SJ
Telephone: (01228) 221234
Online: [Contact Form](#)

Your Rights - Other

In addition to your right of access the General Data Protection Regulation (GDPR) also gives you the following rights:

- the right to be informed via the council's Privacy Notice;
- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point;
- the right of rectification, we must correct inaccurate or incomplete data within one month;
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information;
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future;
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked;
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes;
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about;
- the council will contact you for this documentation prior to processing your request;
- the statutory deadline for responding to your request will start when you have provided the additional documentation;
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you have any concerns about the information contained in this Privacy Notice, please contact: Jane Walton, County Lead/Specialist Advisory Teacher – (Development Language Disorder (DLD) Email: jane.walton@cumbria.gov.uk.

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

Last Updated: February 2021