



Privacy Notice No: 005  
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**Description of Privacy Notice:** This privacy notice will explain how Caerphilly schools will process personal information you provide about yourself if you make a request for information or individual rights request under the Freedom of Information Act (FOI), Environmental Information Regulations (EIR), or Data Protection legislation (DP).

## How we will use your information

### Purpose and lawful basis for using your information

#### Purpose of processing

Each individual school will process your request, the information which relates to your request, your identity and contact details for the purposes of providing you with a response. They will either provide you with the information / right you have requested or we will explain the reasons why we are unable to do so.

The Freedom of Information Act provides a general right of access to recorded information held by a public authority.

The Environmental Information Regulations provide a right of access to environmental information held by a public authority.

Data Protection legislation provide data subjects (those who the information is about) a number of rights in respect of information held about them which are outlined in the 'Your Rights' section of this document.

#### Legal basis for processing

##### Freedom of Information / Environmental Information Regulations Requests

There is a public task requirement on public authorities to process your information as detailed below:

Section 10(1) Freedom of Information Act 2000  
Regulation 5(1) Environmental Information Regulations 2004

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

*1e. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;*

### Data Protection Rights

There is a statutory requirement to process your information, as detailed below:

#### Articles 12-23 UK General Data Protection Regulations

In order for the processing of personal data to be lawful under the UK General Data Protection Regulations, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

*1(c) processing is necessary for compliance with a legal obligation to which the controller is subject.*

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any in question falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

*2g. 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;*

## **Who will have access to your information?**

### **Identity of Data Controller and Data Protection Officer**

The Data Controller for your information is the school you have submitted your request to.

The Data Protection Officer is contracted by the school to Caerphilly County Borough Council. You can contact the school Data Protection Officer on 01443 864049, or by email at [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)

## **Details of main users of your information**

Your request, including your identity and contact details, will be distributed to relevant department areas and Governing Body members who may hold the information relating to your request for the purposes of processing your request and providing you with a response.

Each individual school logs requests, distributes requests to relevant department areas and Governing Body members, and responds to requests directly as the Data Controller. Requests for an internal review of Freedom of Information / Environmental Information Regulation responses or complaints in respect of how the school has dealt with a request to enact your rights under Data Protection legislation will be administered by each school directly.

The Corporate Information Governance Unit at Caerphilly County Borough Council supports the process by providing advice on the processing of requests to ensure compliance with the

appropriate legislation. For some requests, additional legal advice may be sought from Legal Services.

Caerphilly schools may publish statistical information in relation to requests received and responses issued, but not in a form that identifies the applicant. We may also publish Freedom of Information and Environmental Information Regulation requests received and responses issued, but again, not in a form that identifies the applicant.

### Details of sharing your information with other organisations

We may be required to share certain information with specific organisations, but only with a clearly defined reason and an appropriate legal basis under data protection law.

We always ensure that the sharing of personal information is securely undertaken.

Organisation	Reason	Lawful Basis
Caerphilly County Borough Council (CCBC)	To provide advice and support on data subject rights under FOI, EIR, and DP. The contracted Data Protection Officer manages data protection complaints or concerns against the school.	Compliance with a contract (Art 6 UK GDPR)
Information Commissioner's Office (ICO)	Provision of statistics to monitor compliance target rate.	Compliance with a legal obligation (Art 6 UK GDPR)

Please be aware that copies of your request, response, and any additional relevant correspondence between you and the school may be shared with others (i.e. Information Commissioners Office) if you have made a complaint in relation to the processing of your request.

External legal advice may be sought in relation to the processing of your request and your identity will only be released if it is relevant to do so.

Type of Request	Who information is shared with
Freedom of Information (FOI) & Environmental Information Regulations (EIR) Requests	Other organisations and individuals who might be affected by the disclosure of the information you have requested may be consulted prior to a decision being made on the disclosure. Your identity or contact details will not be released.
<u>Data Protection – Subject Access Request</u>	Other organisations and individuals who might be affected by the disclosure of the information you have requested may be consulted prior to a decision being made on the disclosure. Your identity may be released.
Data Protection – Rights in relation to the Rectification, Erasure, and Restriction of personal data	If your request for rectification, erasure, or restriction of personal data is successful, the School have an obligation to inform organisations we may have passed your information, were possible.

## Requests for information

All recorded information held by the School may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation (UK General Data Protection Regulations and Data Protection Act 2018).

If the information you provide is subject to such a request, where possible, the School will consult with you on its release. If you object to the release of your information, we will withhold your information if the relevant legislation allows.

## How long will we retain your information?

### Details of retention period

We hold information securely as determined through statutory requirements or best practice. Each individual school will retain your request and their response for 3 years. Some requests and responses may be kept longer, but this will be in an anonymised form.

## Your Rights (including Complaints Procedure)

### Your rights under data protection law

Data Protection laws give data subjects (those who the information is about) a number of rights, which include:

- **Right to be informed** how personal data is collected, stored, managed, protected, and processed.
- **Right of access** to request a copy of personal information held of yourself. However, please be aware that information can sometimes be legitimately withheld.
- **Right to rectification** of inaccurate or incomplete personal data.
- **Right to erasure** where you have the right to have your personal data erased in certain circumstances. This does not include any personal data that must be retained by law.
- **Right to restriction**, which allows you to limit the way we use your personal data in some circumstances.
- **Right to portability** gives an individual the right to receive copies of data provided to a controller in a portable format.
- **Right to object** to the processing of one's personal data; and the final one is the
- **Rights in relation to automated decision making and profiling.**

Children and young people have the same rights under data protection legislation. Therefore, a parent/carer who wishes to enact these rights on behalf of a child will need to provide proof of ID and Parental Responsibility. Where a child or young person is aged 12 years of over, they are normally deemed to be mature enough to enact these rights themselves. As a result, the parent/carer will also need proof of consent from the child or young person to enact these rights on their behalf.

To enact your rights, please contact the school directly as detailed at the top of this document. A copy of any individual right request and your response will be kept for 3 years.

## **Complaints Procedure**

If you are unhappy with the way that the School has handled your request / information, you have the right of complaint. Please contact the school directly outlining your concerns in the first instance.

If you remain unhappy, you can contact the schools Data Protection Officer on 01443 864322 / [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act in the UK, to assess whether or not the processing of personal information is likely to comply with the provisions of our legislative responsibilities. Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk).