

Democratic Services Privacy Notice: School Admissions and Transport Appeals - Appellants

Last Updated: Oct 2018

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Who are we?

Kent County Council collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of managing appeals related to School Admissions and Home-to-School Transport we collect the following personal information when you provide it to us:

- Name, contact information (address, email, telephone number) of parents / guardians
- Details of the child – date of birth, gender, address (potentially including special category data, such as race, ethnic origin, religion or health, if this is relevant to the Appeal – Transport or Admissions Appeal).
- Educational achievement information – Kent Test scores and other evidence of academic ability.
- Personal details of family members or other close associates if relevant to the appeal.

How we use your personal information

We use your personal information to:

- Make necessary arrangements for the hearing of the appeals via Admission Appeal Panels or Transport Appeals (via the Regulation Committee)
- Allow us to keep in contact with you about your appeal and to make appropriate records of the appeal.

- Share the information, you have provided in support of your appeal, with Panel Members and Clerks to allow for appropriate consideration.
- Special category data is only used as part of the appeal process when it is provided by you because you think it is relevant to the appeal.

How long your personal data will be kept

We will hold your personal information for:

- School Admission Appeals – 2 years after the appeal process has been resolved prior to being securely destroyed.
- Transport Appeals – records from the hearing will be kept indefinitely as they feature as part of formal Local Government meetings (Regulation Committee Appeal Panel). Correspondence and other files will be securely destroyed during the year in which the child reaches Year 13 (subject to review pending any Local Government Ombudsman involvement).
- Transport Appeals via the Regulation Committee – details of attendees (name and role within the appeal) will be kept indefinitely under Local Government Act 1972.

Reasons we can collect and use your personal information

School Admission Appeals:

The processing is necessary in the performance of a task in the public interest and to comply with a legal obligation. This is because KCC is required under s.84 of the School Standards and Frameworks Act 1998 and the School Admission Appeal Code 2012 to have appropriate processes in place to provide School Admission Appeals. It would not be possible for us to manage the appeals without the personal data of the parents and children involved in the appeals.

Home-to-School Transport Appeals:

The processing is necessary in the performance of a task in the public interest and to comply with a legal obligation. This is because KCC is required under the Education Act 1996 and the Home-to-School Transport and Post-16 Transport to Education and Training Statutory Guidance to consider Home-to-School Transport. It is therefore in the public interest to use a formal appeal process, which requires the collection and use of personal data.

We rely on substantial public interest as the lawful basis for collecting and using your special categories of personal data (for statutory and government purposes). The provision of any additional special category demographic information is not required from you unless it is relevant to your appeal. If you feel it is relevant and have supplied it as part of your appeal, the processing of this data will be considered as part of your appeal where appropriate.

As we have a statutory basis for collecting your personal data if you do not provide any personal data, we will not be able to hear your appeal. If you do not provide relevant special categories of personal data where they are relevant to your appeal, this may affect your appeal.

Who we share your personal information with

We routinely share

- Names and date of birth of the child with the other parties involved in your appeal (School, Appeal Clerks (employed by KCC) and Appeal Panel Members). Names and details of the appeal will be published as formal agenda papers for Regulation Panel Appeals but these are not made public.
- Any representation from parents, teachers or other witnesses will be shared with the Panel and Clerks at the appeal and will be recorded in the minutes.
- Personal details of the child (name, date of birth, educational attainment) may be shared with KCC Education department for the checking of accuracy of our records.

We will share personal information with law enforcement or other authorities if required by applicable law.

Your Rights

Under the GDPR you have rights which you can exercise free of charge that allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (subject access request)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk or write to the Data Protection Officer, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>