

Privacy Statement – Special Guardianship Service

Enfield Special Guardianship Service is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the data protection legislation.

It applies to all users of our Special Guardianship service.

Enfield Council is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract to provide services. We may update this notice at any time; this will be reflected in the date at the bottom of this page and will be published on our website. It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Last updated 13 December 2018

Data protection principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The kind of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data which require a higher level of protection. We will collect, store, and use the following categories of personal information about you:

- Name, Address, Date of Birth of parents, prospective special guardian(s), special guardians, carers, child, etc.
- Birth certificate and birth details (time, weight, type of delivery etc.)
- Description and details (including family tree) of the birth family and household
- Special guardianship status and records
- Court reports and documents, copies of Care Orders, etc.
- Child social care records
- Medical information
- NHS Number / Employment / Family Network / Support Network / Previous relationships / Relationship history / Financial information / Criminal history (if applicable) / Information from the Local Authority from where you live and previously lived / Education (yours and your child's).

Which organisations may we share this information with or obtain personal data from?

We will share your personal information with third parties where required by law, where it is necessary to provide a service to you, or where we have a public duty to do so. Organisations that we may share information with, or obtain personal data from, include:

- special guardianship Medical Adviser
- special guardianship Legal Adviser
- Local Authorities and Local Education Authorities
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- Department for Education

- Ofsted
- Health Agencies and GPs
- Any person undertaking a Statutory Inquiry under section 81 of the Children Act 1989
- CAFCASS Officers / The Court and officers of the Court
- Any person appointed to deal with a complaint or representation in respect of which access to the special guardianship Case Record is required in order to carry out the responsibilities of his or her appointment
- An Independent Review Panel convened to consider a Qualifying Determination of a Special Guardianship agency, e.g. where a special guardian applicant has exercised his or her right to challenge a decision of the Special Guardianship agency as to their suitability to become the legal carer for a child or where a decision has been made in relation to the disclosure of protected information
- Any person undertaking a Serious Case Review in relation to a child
- The Secretary of State or persons authorised on his/her behalf, an Ombudsman or regulatory authority.

What are the purposes for which we intend to use this information (with reference to the relevant lawful basis under Articles 6 and 9 of the General Data Protection Regulation)?

- Service delivery and service improvement (task carried out in the public interest (Article 6 (e))
- Provision of social care (Article 9 (h))
- Compliance with the law relating to special guardianship (for compliance with a legal obligation (Article 6 (c)) and, where appropriate, in the substantial public interest (Article 9(g))
- Prevention/Detection of Crime/Fraud (for reasons of substantial public interest (Article 9 (g)))
- Research (for research purposes or statistical purposes (Article 9(j)))

What are the legal powers under which we may use this information?

- Adoption and Children Act 2002
- Adoption and Children Act Register Regulations 2014
- Adoption and Children Act Register (Search and Inspection) Regulations 2017
- Special Guardianship Agencies Regulations 2005
- Special Guardianship Support Services Regulations 2005
- Special Guardianship Regulations 2005 & 2016
- Childcare Act 2006
- Children Act 1989
- Children Act 2004
- Children and Families Act 2014
- Children and Young Persons Act 2008
- Education and Adoption Act 2016
- Independent Review of Determinations (Adoption and Fostering) Regulations 2009

- Local Authority Adoption Service (England) Regulations 2003
- Safeguarding Vulnerable Groups Act 2006

Will personal data be transferred overseas?

Personal data is not routinely transferred outside the EU. The transfer of information overseas will only be undertaken where necessary in the interests of the child.

Where the above happens, including the transfer to countries that are not approved by the European Commission (EC) as providing adequate protection of individuals' data protection rights, we will use standard data protection clauses in contracts or ensure that the data recipient has binding corporate rules in place, has signed up to an approved code of conduct or a certification scheme that provides safeguards for the protection of your rights.

How long is personal data held?

In cases where a Special Guardianship Order is made, children's special guardianship Case Records will be retained for a minimum of 100 years after the Special Guardianship Order is made. Where a Special Guardianship Order is not made, the prospective special guardian's Case Record should be retained for between 5-25 years depending whether there are safeguarding concerns logged. Where people making an enquiry about adopting with Enfield Council do not go on to submit a registration of interest the enquiry and supporting information will be kept for ten years from the date of last contact.

Does Enfield Council make decisions using fully automated processes?

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We do not make decisions using fully automated processes.

What rights do you have over use of your data?

You have rights over the use of personal data. These include:

The right to access a copy of your personal data. You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

In certain circumstances, the **right to ask for your personal data to be rectified or erased, or the right to restrict or object to use of your personal data.**

You have **the right to object to processing of your personal information** where there is something about your particular situation which makes you want to object to processing on

this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, **you have the right to withdraw your consent for that specific processing** at any time.

To exercise any of these rights, please contact us via your Enfield Connected account or email Complaints and Information via the details in “Contact Us” below.

Providing personal information to Enfield Council

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us. If you fail to provide certain information when requested, we may not be able to provide a service to you.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

How to contact us

For general issues, please contact us via your Enfield Connected account.

If you have a privacy concern, complaint or question for the Enfield Council Data Protection Officer, please email the team at ComplaintsAndInformation@enfield.gov.uk

You can also contact the Council's Data Protection Officer directly via email or by post at:

Enfield.Data.Protection.Officer@enfield.gov.uk

Data Protection Officer
Enfield Council Civic Offices
Silver Street
Enfield
EN1 3XA

You also have the right to complain about our use of data to the Information Commissioner (ICO) if we have not been able to satisfy your concerns. See the link below for further details.

For more information about Privacy Law, our obligations and your Rights please see the ICO website:

[ICO – Your Data Matters](#)