Birmingham Educational Psychology Service Privacy Notice

Our contact details

Name: Birmingham Educational Psychology Service

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Introduction to notice

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

Who are Birmingham Educational Psychology Service (EPS)?

Birmingham EPS ("we," "us," "our"), is part of Birmingham City Council. The service is made up of educational psychologists, trainee educational psychologists and assistant psychologists. We provide support to children, families, and educational settings through our local authority-commissioned activities and through our traded (paid for) work with schools, nurseries, colleges, and other educational settings.

What personal information does the EPS collect?

In order to provide the support outlined above, it is often necessary for us to gather information about the individual service users ("Users") we work with. This information may include, but is not limited to:

- personal information such as name, address, contact details, date of birth, parent/carer details, language.
- special category information such as ethnicity and disabilities
- educational history, including details of special educational needs and disabilities.
- health information and history
- assigned professionals and practitioner details.
- safeguarding information
- GP details
- referral and assessment information
- care status
- unique reference numbers, such as Impulse number

How is this information gathered?

Information may be gathered in a number of ways, including:

- Information you give to us when you use our services.

- Discussion with key people, including the child/young person (CYP), their family, their school and professionals who may know them, i.e. other educational staff, social care professionals, health professionals.
- Direct or indirect assessment, such as activities completed with the CYP or through adults who know them well.
- Observation of the CYP within the classroom or on the playground.
- Sharing of records and other written information from other professionals.

How is this information used?

We use this information for the following specific purposes:

- To assess a child or young person's strengths and needs.
- To engage in consultation with school staff, families and/or other professionals about individuals or groups of children.
- To support the identification and implementation of interventions and support.
- To support school staff through training, supervision, and strategic work.
- To monitor the impact of our services.
- To perform our statutory role in providing professional advice within an Education, Health and Care Needs Assessment or Reassessment.
- To contribute to the annual review of Education, Health, and Care Plans.
- To provide testimony when called upon to testify as expert witnesses before Special Educational Needs and Disability Tribunals

How is this information stored?

We hold data securely in electronic filing systems. We retain information about individuals up to the age of 25 years old. For individuals with an Education, Health, and Care Plan, we retain information up to the age of 32 years old.

Who we might share your personal information with

The personal information we collect is especially important to us. However, there are circumstances where it is necessary for us to share this information for purposes of providing our services (including education and health care) in accordance with applicable laws and subject to applicable professional and regulatory requirement regarding confidentiality and professional secrecy. In addition, we may share your information with:

SENAR – we would share information as part of education, health and care plan needs assessment process, including when writing the psychological advice and for Tribunal purpose. We will disclose your information as part of the annual review process, which is a legal obligation placed on the Birmingham City Council.

Other parties, local authorities and professionals - subject to applicable laws, we may need to share the information we gather with other parties and professionals. This could include sharing assessment information with the school, specialist

teachers and health services, or other professionals to support with planning, intervention or during informal problem-solving discussions. We may also need to share information with other local authority team and law enforcement agencies if required by applicable law, such as for the safeguarding of children and vulnerable adults.

Third party processors - we may share your personal information with organisations who provide services to us in a secure way.

Our lawful basis for processing your personal information

The lawful basis (legal reasons Birmingham EPS is able to hold data) of our work will differ depending on the nature of our involvement.

Type of involvement	Lawful basis
Involvement within statutory processes, such as the education, health, and care needs assessment.	To perform a task in the public interest and at times to comply with a legal obligation. Where special category data is concerned, this will be held for reasons of substantial public interest.
Non-statutory involvement, for example school-based casework.	• Where necessary according to applicable law, with your consent* • To comply with legal obligations. Where special category data is concerned, this will be held for reasons of substantial public interest. • We have obtained your prior consent* to the use of your personal information. *You can withdraw your consent at any time. If you withdraw your consent to our use of your personal information, it will not affect the lawfulness our processing based on your consent given before you withdrew it. If you withdraw your consent, we may also continue to process your

	information based on our legal obligation.

Change of purpose

We will only use personal information for the purposes for which we collected it, unless we reasonable 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 (if applicable under legislation) we will explain the legal basis which allow us to do so, and where necessary collect your consent.

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.

Rights of access, correction, erasure, and restriction

Subject to applicable law, you may have several rights regarding our use of your relevant personal information. These include:

- The right to be informed. This privacy notice aims to set out the key information about the work of the EPS and the ways in which your data is used. If you would like further information about Birmingham City Council's privacy procedures, please see the overarching privacy statement: https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement.
- The right to request access to your personal information (or the personal information of your children, if applicable), together with information regarding the nature, processing, and disclosure of your personal information.
- The right to request for the correction of any inaccuracies in your personal information.
- The right to request for the erasure of your personal information. In some cases, you can request for your information to be deleted from council platforms. You can request this by contacting educationalpsychology@birmingham.gov.uk. This is not the case for information gathered as part of a 'public task,' such as a statutory assessment. In some circumstances, information collected may be retained for reasons of professional defence.
- In some circumstances, information gathered may be retained for reasons of professional defence.
- The right to have certain personal information transferred to another Controller or Service or Local Authority.
- Where we use your information on the basis of your consent, you have the right to withdraw that consent (noting such withdrawal does not affect the lawfulness of any processing prior to the date on which we receive notice of such

withdrawal and does not prevent our use of your personal information in reliance upon any other applicable legal basis.

We may require proof of your identity before we can give effect to these rights. You should also be aware that some of these rights are not absolute. Therefore, exemptions or limitations may apply. For example, we can refuse to provide information if fulfilling your request would reveal the personal information about another person; or, if you request that we erase / delete information which we are required to retain by law or need to access to fulfil our legal obligations.

How to exercise your rights and timescales

You can exercise your rights either verbally or in writing. However, if you submit a request verbally, we recommend that you follow this up in writing to provide a clear correspondence trail.

We have an obligation to respond within one month of receiving your request. However, we can extend the response time by two months if we determine this request to be complex and requires additional time and resources to respond.

The easiest and quickest way to make a data subject request is to contact us directly by emailing to educationalpsychology@birmingham.gov.uk.

You can complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: https://www.ico.org.uk