

Data Protection Information

Category: Early Years

Risk Management and Legal Implications

Failure to manage risk may impact on the delivery of Service objectives and the outcomes achieved by Service users. Education and Children’s Services aim to mitigate the implications by ongoing management and review of risk in all elements of work activity.

The production of this document is one way in which we aim to reduce our exposure to risk. By providing staff with information on good practice, making reference to other guidance that is available across the Council and providing clarity on how we should do things, we can ensure that the management of risk is intrinsic to what we do.

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Clark Graham	1.0	26/06/2020	26/06/2022
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Data Protection

Educational Records (Scotland) Regulations

All parents have the right to access their child's Education records. Information can be requested through fife direct by accessing [fife direct](#), (request, information request, DPA request), or by email to information.requests@fife.gov.uk, or in writing to Information Management & Request Team, 1st Floor West, Fife House, Glenrothes, KY7 5LT.

Definition of Parent

'Parent' is widely defined and includes carer, any person liable to maintain the child or young person, or who has care of the child or young person etc. This means that the unmarried father, who does not have automatic parental rights in relation to the child's or young person's welfare, does have rights in relation to the child's or young person's education and this includes the right to make a request to access the child's or young person's Educational Records.

Definition of an Educational Record

An educational record means any record of information, excluding information contained in a Co-ordinated Support Plan, which:

- are processed by or on behalf of the authority;
- relate to any person who is or has been a pupil at the school;
- relate to the school education of that person; and originated from or supplied by a teacher; any other employee of the responsible body, the child or young person to whom the information relates; or a parent/carers of that child or young person

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Everyone responsible for using personal data has to follow strict rules called 'data protection principles. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as:

- race
- ethnic background



- political opinions
- religious beliefs
- trade union membership
- genetics
- biometrics (where used for identification)
- health
- sex life or orientation

There are separate safeguards for personal data relating to criminal convictions and offences.

Your rights

Under the Data Protection Act 2018, you have the right to find out what information the government and other organisations store about you. These include the right to:

- be informed about how your data is being used
- access personal data
- have incorrect data updated
- have data erased
- stop or restrict the processing of your data
- data portability (allowing you to get and reuse your data for different services)
- object to how your data is processed in certain circumstances

You also have rights when an organisation is using your personal data for:

- automated decision-making processes (without human involvement)
- profiling, for example to predict your behaviour or interests

Finding out what data an organisation has about you

Write to an organisation to ask for a copy of the information they hold about you. If it's a public organisation, write to their Data Protection Officer (DPO). Their details should be on the organisation's privacy notice. If the organisation has no DPO, or you do not know who to write to, address your letter to the company secretary.

How long it should take?

The organisation must give you a copy of the data they hold about you as soon as possible, and within 1 month at most. In certain circumstances, for example particularly complex or multiple requests, the organisation can take a further 2 months to provide data. In this case, they must tell you:

- within 1 month of your request
- why there is a delay

When information can be withheld?

There are some situations when organisations can withhold information, for example if the information is about:

- the prevention, detection, or investigation of a crime
- national security or the armed forces



- the assessment or collection of tax
- judicial or ministerial appointments

An organisation does not have to say why they are withholding information.

How much does it cost?

Requests for information are usually free. However, organisations can charge an administrative cost in some circumstances, for example if:

- you are asking for a large amount of information
- your request will take a lot of time and effort to process

Make a complaint

If you think your data has been misused or that the organisation holding it has not kept it secure, you should contact them and tell them.

If you are unhappy with their response or if you need any advice you should contact the Information Commissioner's Office (ICO).

ICO

casework@ico.org.uk

Telephone: 0303 123 1113

Textphone: 01625 545860

Monday to Friday, 9am to 4:30pm

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