

### **Privacy notice – SEND transport**

The EU General Data Protection Regulation (GDPR) requires that data controllers provide certain information to people whose information (personal data) they hold and use.

The purpose of this document is to define the ways we gather, use, disclose and manage your data, this document also includes the legal basis as to why we process this data. This document forms part of a legal requirement to protect our client's privacy.

The **Local Authority (LA)** : Ealing Council

The Council's Data Protection Officer information can be found at:

[https://www.ealing.gov.uk/info/201045/data\\_protection/1420/privacy\\_statement](https://www.ealing.gov.uk/info/201045/data_protection/1420/privacy_statement)

### **SEND transport adults & children**

Ealing Council provides the travel assistance under the Education Act 1996, therefore, your personal information is collected and processed under a legal obligation.

The SEND department provides transportation of children and young people with special educational needs from home to their place of learning

### **What kind of information do you collect about me?**

We are required to collect and process personal and special categories information to see if your child meets the eligibility for the following options

1. A personal independence budget for you to assist your child to and from school, or make suitable arrangements
2. Independent Travel Training through the local authorities provider
3. Transport on a local authority vehicle

The information such as the following are required to deliver this service to you :

- name, date of birth, address, gender, ethnicity, health e.g. disabilities and special educational needs
- family details lifestyle and social circumstances
- financial details
- employment and education details
- housing needs

Your child's eligibility of SEN home to school travel assistance can be assessed by completing the application form.

We receive your personal information from:

- Additional information you provide
- Correspondence you send us
- Information you or your representative provides in respect of legal action
- Information collected by our staff on the phone or in face to face interviews
- Third party agencies e.g. DWP
- External referrals to the Council

We use this information to make better informed assessments and decisions on the provision given to those that require transport assistance.

### **What do you do with information about me?**

The LA has a duty to protect the public funds it administers, and accordingly may use the information you have provided for the prevention and detection of fraud.

As part of the Council's fraud prevention and detection activities the Council participates in the London counter-fraud hub. The hub is run by CIPFA on behalf of a number of London Boroughs. As a participant in the hub, Ealing Council will share your details with the hub in order to protect against fraud. Your details will be checked in the counter-fraud hub to ensure the information that you have provided is accurate and to identify any suspected fraudulent claims. If fraud is suspected your information may be shared with other London Boroughs that are identified as being affected by the suspected fraud.

The Council may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Please see below which outlines the powers and functions which Ealing Council may rely upon to enable data sharing with the London Counter Fraud Hub.

Depending on the outcome of the assessment made towards the application submitted, we may share the information with necessary parties involved in supporting the council's legal obligation in the form of independent travel and transport on LA sourced vehicle. A description of the types of organisations we may need to share some of the personal information we process with for one or more reasons include:

- Transport providers (Vehicle)
- Training providers (Independent travel)

- Professional advisers and consultants
- Voluntary and charitable organisations
- Data processors (ECHO & Transport officer)
- Local government authorities
- Law enforcement and prosecuting authorities
- Legal representatives and defence solicitors
- Educators and examining bodies
- Family, associates or representatives of the person whose personal data we are processing
- Health institutions (respite centre)

For further details please refer to the Council's corporate privacy notice at  
[https://www.ealing.gov.uk/info/201045/data\\_protection/1420/privacy\\_statement](https://www.ealing.gov.uk/info/201045/data_protection/1420/privacy_statement)

### **How do I know the information about me is kept safely?**

All the information we collect is stored securely on our IT systems and manual filing systems. We have strict procedures for the way this is done. All information about you is treated as confidential and with respect. There are also clear rules and guidance about storing, recording and sharing information which staff receive training on.

We take information sharing very seriously. Appropriate council and health staff are Disclosure and Barring Service checked. Any member of staff who is found to be breaking the rules will be dealt with through appropriate disciplinary procedures.

### **For how long are records held?**

Records are kept only for as long as necessary, this is either by law or good practices.

The retention period under the Education Act 2006 Act is from the date of birth of the pupil + 25 years. This would normally be retained on the pupil file and after this retention period there will be secure disposal unless the document is subject to a legal hold. This applies to all information held to support travel assistance.

For more information regarding records retention, please see the LA's corporate Privacy Notice at  
[https://www.ealing.gov.uk/info/201045/data\\_protection/1420/privacy\\_statement](https://www.ealing.gov.uk/info/201045/data_protection/1420/privacy_statement)

### **Don't you need my permission to keep and share information about me?**

The basis on which we collect and process your information is to uphold our legal obligation in providing travel assistance for those who require it. Your passing a referral is your application to receiving the service, thus your information will be shared with third parties detailed above for to support and carry out the service if necessary.

Although your information is confidential, we may have to share information about you/your family without your permission. Where this is necessary we are required to comply with all aspects of the data protection legislation.

We may need to share your information in the following circumstances:

- To protect you from harm, neglect, abuse or significant threat
- When you may need urgent medical treatment
- To prevent or detect a crime
- To comply with a legal obligation

You can contact for further information via [senta@ealing.gov.uk](mailto:senta@ealing.gov.uk), or 0208 825 8033

### **Are there any laws applicable in the processing and protection of my information?**

There are a number of laws which allow for the protection, collection and processing of your personal information for this purpose, such as:

- The General Data Protection Regulations and The Data Protection Act 2018
- Children's Act 2004
- Childcare Act 2006 as amended Section 9 of the Apprenticeships, Skills, Children and Learning Act 2009.
- The Common Law Duty of Confidence
- The Human Rights Act 1998
- NHS Guidelines - Caldicott Principles, which govern the sharing of patient identifiable information

### **Can I see the information you have collected about me/my family?**

Yes, you can request a copy of the information held. This is called a subject access request under the Data Protection Act 2018 and General Data Protection Regulations which contain certain rights of individuals and their personal data.

For more information regarding your rights, please see the LA's corporate Privacy Notice at

[https://www.ealing.gov.uk/info/201045/data\\_protection/1420/privacy\\_statement](https://www.ealing.gov.uk/info/201045/data_protection/1420/privacy_statement)

**Who should I contact if I want further information or to complain about the use of my personal information?**

Please see the LA's website for more information on how we use your information at [https://www.ealing.gov.uk/info/201045/data\\_protection/1420/privacy\\_statement](https://www.ealing.gov.uk/info/201045/data_protection/1420/privacy_statement)

The Council's Data Protection Officer is Mrs L. Cox, whom you can contact on: [dataprotection@ealing.gov.uk](mailto:dataprotection@ealing.gov.uk) or telephone 0208 825 5124 during office hours.