

PRIVACY NOTICE (TIER 4)

Document Control

Reference: GDPR REC 4.1

Issue No: 1.1

Issue Date: 25/05/2018

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1. Scope

All data subjects whose personal data is collected, in line with the requirements of the GDPR.

2. Responsibilities

- 2.1 The Head of Resources is responsible for ensuring that this notice is made available to data subjects prior to Cognus collecting/processing their personal data.
- 2.2 All Employees/Staff of Cognus who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and for securing their consent to the processing of their data is secured where consent is considered the lawful basis for processing.

3. Privacy notice

3.1 Who are we?

Cognus exists to support schools, families and children/young people to access, enjoy and thrive in educational settings and in the community. We are jointly owned by the London Borough of Sutton and a number of Sutton schools. Our purpose is to be the leading provider of education support services. We fulfil a number of statutory functions on behalf of the London Borough of Sutton and educational settings, as well as providing services to enhance people's experience of education. We employ over 130 people to help us deliver these services.

Our Head of Resources and data protection representative can be contacted directly here:

- Richard.slatford@cognus.org.uk
- 020 8770 4552

The personal data we would like to collect from you and process is:

| | |
|----------------------------|--|
| Personal data type: | Source (where Cognus obtained the personal data from if it has not been collected directly from you, the data subject. Note if the personal data has been accessed from publicly accessible sources): |
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| Personal information – e.g. names, pupil date of birth and home address and telephone number | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Attendance information – e.g. number of absences and absence reasons | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Relevant medical information | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Assessment information – e.g. national curriculum assessment results or specialist assessments | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Information relating to your special educational needs | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Behavioural information – e.g. number of temporary exclusions | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Information about your personal circumstances such as any challenges you may face in accessing education | We will receive this either from the London Borough of Sutton, an educational setting (early years provider, school or college) or directly from you |
| Information collected as part of voluntary surveys and feedback forms | We will receive this from you. |
| If you are employed by Cognus, we will also collect information required to enable us to fulfil our contractual obligations such as your bank details and national insurance number to enable us to process payroll and your health | We will receive this from you. |

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| information to enable us to support you in your work. | |
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The personal data we collect will be used for the following purposes:

If you are a child or young person:

- To ensure you receive access to services that will support and help you to progress through education
- To deliver these services to the best of our ability
- To help us improve future services through learning from what you tell us

If you are a professional from a partner organisation:

- To fulfil our contractual requirements including the provision of any training or support that you may access
- To ensure legal compliance
- To effectively monitor and manage the business

If you are an employee:

- To fulfil our contractual requirements
- To ensure legal compliance
- To effectively monitor and manage the business

Our legal basis for processing for the personal data:

General Data Protection Regulation (EU) 2016/679 (from 25th May 2018)

- Article 6(1)(e) - the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- Article 9(2)(g) - the processing is necessary for reasons of substantial public interest

Legitimate interests pursued by us, or third parties we use:

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. Cognus relies on legitimate interests for most of the ways in which it uses your information. Specifically, the company has a legitimate interest in:

- Supporting children and young people to access education
- Safeguarding and promoting your welfare and the welfare of other children and young people
- Promoting the objects and interests of Cognus
- Facilitating the efficient operation of Cognus

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- Ensuring that all relevant legal obligations of the Cognus are complied with.

In addition your personal information may be processed for the legitimate interests of others. For example, we may use information about you when investigating a complaint made by another child or young person.

Vital interests:

For example, to prevent someone from being seriously harmed or killed.

Legal obligation:

Where Cognus needs to use your information in order to comply with a legal obligation, for example to report a concern about your wellbeing to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Public interest:

Cognus considers that it is acting in the public interest when providing education services.

Legal claims:

The processing is necessary for Cognus to exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

The special categories of personal data concerned are:

- personal information revealing racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- genetic information;
- biometric information;
- special educational needs and health information;
- information about sex life or orientation.

3.2 Disclosure

Cognus will only pass on your personal data to third parties for the purposes set out above.

If you are a child or young person we may share your data with the following organisations:

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- Schools and other educational settings
- the London Borough of Sutton
- the Department for education
- the NHS
- other local and/or national authorities
- other providers who deliver services to support children and young people

If you are an employee we may share your data with the following organisations:

- Schools and other educational settings
- the London Borough of Sutton
- the Department for education
- the NHS
- other local and/or national authorities
- other providers who deliver services on behalf of Cognus to enable us to meet our obligations for example the payroll and the occupational health providers.

3.3 Retention period

Cognus will process the personal data of children and young people during the period that you undertake education or in the case of children and young people with special educational needs up until you are aged 25.

Cognus will process the personal data of employees throughout the duration of your employment and we will retain these records aligned to the company's retention period procedure.

All document retention periods will be based on statutory requirements for example 6 years following your employment, unless there is a justifiable reason for retaining records for a longer period for example due to safeguarding. Refer to [GDPR DOC 2.3](#) Retention Period Procedure.

3.4 Your rights as a data subject

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- Right of access – you have the right to request a copy of the information that we hold about you.
- Right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete.

- Right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- Right to restriction of processing – where certain conditions apply to have a right to restrict the processing.
- Right of portability – you have the right to have the data we hold about you transferred to another organisation.
- Right to object – you have the right to object to certain types of processing such as direct marketing.
- Right to object to automated processing, including profiling – you also have the right to be subject to the legal effects of automated processing or profiling.
- Right to judicial review: in the event that Cognus refuses your request under rights of access, we will provide you with a reason as to why. You have the right to complain as outlined in clause 3.6 below.

All of the above requests will be forwarded on should there be a third party involved (as stated in 3.4 above) in the processing of your personal data.

3.5 Complaints

In the event that you wish to make a complaint about how your personal data is being processed by Cognus (or third parties as described in 3.4 above), or how your complaint has been handled, you have the right to lodge a complaint directly with the supervisory authority and Cognus's data protection representative the Head of Resources.

The details for each of these contacts are:

| | Supervisory authority contact details | [Data Protection Officer (DPO)] / [GDPR Owner] contact details |
|-----------------|---|---|
| Contact Name: | Information Commissioner's Office | Richard Slatford |
| Address line 1: | https://www.gov.uk/data-protection/make-a-complaint | 24 Denmark Rd |
| Address line 2: | Wycliffe House | Carshalton |
| Address line 3: | Water Lane | SM5 2JG |
| Address line 4: | Wilmslow | |
| Address line 5: | SK9 5AF | |

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| Email: | | richard.slatford@cognus.org.uk |
| Telephone: | 0303 123 1113 | 020 8770 4552 |

3.6 Privacy statement

Read more about how and why we use your data here <https://cognus.org.uk/about-us/gdpr>.

4. Online privacy statement

We are registered with the Information Commissioner's Office and are committed to compliance with the GDPR. This notice explains how we use and share personal information which may be collected online, on paper or by email, telephone, or in person by different departments across Cognus Limited. Our Data Protection Registration number is ZA261762.

Personal data

Under the EU's General Data Protection Regulation (GDPR) personal data is defined as:

"any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

How we use your information

This privacy notice tells you how we, Cognus, will collect and use your personal data for the purpose of providing support to educational settings, families and children/young people to enable them to access, enjoy and thrive in educational settings and in the community. More information about the services that we provide can be found at <https://cognus.org.uk>

Data will be collected from partner organisations including schools and other educational settings, through the use of cookies on the Cognus website and via complaints as well as through our direct contact with you.

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If you are employed by Cognus we will collect and use your personal data for the purpose of meeting our contractual obligations to you, to ensure that we are legally compliant with the appropriate legislation and to monitor and manage the business effectively.

Why does Cognus need to collect and store personal data?

In order for us to provide you with services to access education we need to collect personal data for asked to assess your current situation and support you to receive the help that you need either through a Cognus employee or through another service provider. In any event, we are committed to ensuring that the information we collect and use is appropriate for this purpose, and does not constitute an invasion of your privacy.

If you are employed by Cognus for us to meet our contractual and legal obligations we will need to collect and store your personal data.

In terms of being contacted for marketing purposes Cognus would contact you for additional consent.

Will Cognus share my personal data with anyone else?

We may pass your personal data on to third-party service providers contracted to Cognus in the course of dealing with you. Any third parties that we may share your data with are obliged to keep your details securely, and to use them only to fulfil the service they provide on our behalf. When they no longer need your data to fulfil this service, they will dispose of the details in line with Cognus's procedures.

How will Cognus use the personal data it collects about me?

Cognus will process (collect, store and use) the information you provide in a manner compatible with the EU's General Data Protection Regulation (GDPR). We will endeavour to keep your information accurate and up to date, and not keep it for longer than is necessary. Cognus is required to retain information in accordance with the law, such as information needed for income tax and audit purposes. How long certain kinds of personal data should be kept may also be governed by specific business-sector requirements and agreed practices. Personal data may be held in addition to these periods depending on individual business needs.

Under what circumstances will Cognus contact me?

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Our aim is not to be intrusive, and we undertake not to ask irrelevant or unnecessary questions. Moreover, the information you provide will be subject to rigorous measures and procedures to minimise the risk of unauthorised access or disclosure.

Can I find out the personal data that the organisation holds about me?

Cognus at your request, can confirm what information we hold about you and how it is processed. If Cognus does hold personal data about you, you can request the following information:

- Identity and the contact details of the person or organisation that has determined how and why to process your data.
- Contact details of the data protection officer, where applicable.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of Cognus or a third party, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- If we intend to transfer the personal data to a third country or international organisation, information about how we ensure this is done securely. The EU has approved sending personal data to some countries because they meet a minimum standard of data protection. In other cases, we will ensure there are specific measures in place to secure your information.
- How long the data will be stored.
- Details of your rights to correct, erase, restrict or object to such processing.
- Information about your right to withdraw consent at any time.
- How to lodge a complaint with the supervisory authority.
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether you are obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from you.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

What forms of ID will I need to provide in order to access this?

Cognus accepts the following forms of ID when information on your personal data is requested:

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Passport or National Identity Card

Driving licence

Birth certificate

Utility bill (from last 3 months)

Current vehicle registration document

Bank statement (from last 3 months)

Rent book (from last 3 months).

ID must be provided in the form of two copies of forms of identification (one of which must include a signature).

Contact details of the Head of Resources:

| | Head of Resources contact details |
|-----------------|--|
| Contact Name: | Richard Slatford |
| Address line 1: | 24 Denmark Rd |
| Address line 2: | Carshalton |
| Address line 3: | SM5 2JG |
| Email: | richard.slatford@cognus.org.uk |
| Telephone: | 020 8770 4552 |

Further Information

The ICO (Information Commissioners Office) is the UK's independent body set up to uphold information rights. Find out more about their work and the legislation they cover by visiting the website.

Document Owner and Approval

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The Head of Resources is the owner of this document and is responsible for ensuring that this record is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to all members of staff on the Intranet and a copy of the Privacy Notice is published here <https://cognus.org.uk/privacy/>.



Signature:

Date: 24/05/2018

Change History Record

| Issue | Description of Change | Approval | Date of Issue |
|-------|-----------------------|-------------------|---------------|
| 1 | Initial issue | Head of Resources | 25/05/2018 |
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