



## Privacy Notice

### Short Breaks Overnight Provision for Children and Young People

When processing personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide individuals with the information contained in this document.

#### Data Controller

<b>Name</b>	Cumbria County Council
<b>Address</b>	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
<b>Registration Number</b>	Z5623112

This information is also available via the Information Commissioner's Register of Fee Payers at: <https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

#### Data Protection Officer

The council's Data Protection Officer is Claire Owen and can be contacted by:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

#### Purpose

We are Cumbria County Council's Children With Disabilities team and we are responsible for providing the following services:

- Short Breaks Overnight Provision for Children and Young People with SEND

## Data Collection

While providing services we collect data from our customers in the following ways:

- Paper form
- Electronic system form

## Data Types

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions. For more information see: [ICO - What is personal data?](#)

- Name and address of service user and family
- Date of birth of service user
- Home phone/mobile phone number of service user and family
- Gender, Ethnicity of service user

We may also collect, store and use the following 'special categories' of more sensitive personal information, For more information see: [ICO - What is Special Category Data?](#)

- Racial/ethnic origin and sexual orientation
- Identified needs both physical and mental
- Key agency involvements
- Project or activity session information
- Outcomes
- EHCP or SEN help
- Action plan

## Legal Basis for Processing Data

By law we must have a legal basis for processing your personal data, to find out more please see: [ICO - Lawful Basis for Processing Personal Data](#)

When we collect your personal data, we rely on the following legal bases:

- **GDPR Article 6(1)(c)** processing is necessary for compliance with a legal obligation to which the controller is subject (see Applicable Legislation below),

Where the council is relying on UKGDPR Article 6(1)(c) all [Relevant Legislation](#) is listed below.

When we need to process more sensitive data (these are referred to as 'special categories of personal data') about your health, race, ethnicity, sexual orientation or criminal convictions we need an additional condition for collecting this data. To find out more please see: [ICO - Conditions for Processing Special Category Data](#)

When we collect your special category personal data we rely on the following conditions:

- **UKGDPR Article 9(2) (b) Employment/social security and social protection**

## Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

Chronically Sick and Disabled Persons Act 1970  
Children Act 1989  
Children Act 2004  
The Breaks for Carers of Disabled Children Regulations 2011  
Working Together to Safeguard Children and The Children's Homes (England) Regulations 2015.

## Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: [UK GDPR - Article 4\(4\)](#) and further information can be found at: [ICO - Automated Decision Making and Profiling](#)

We do not use your information for automated decision-making or profiling purposes.

## Data Transfers

Your personal data is not transferred to a third country or international organisation.

## Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Sharing

We may share your information with the following organisations:

- West House Ltd

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations. The council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

## Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure council system and can only be accessed by authorised employees.

Cumbria County Council will only store your information for as long as is legally required in accordance with the council's [Retention and Disposal Schedule \(EXCEL 267KB\)](#) or in situations where there is no legal retention period established best practice will be followed. Provision of services or programmes to support the development of children, 25 years.

To help you understand the Schedule the council has published a [Retention Schedule - Quick User Guide \(PDF 787KB\)](#).

If you have any questions about the Schedule or the Quick User Guide, please contact: [recordcentre@cumbria.gov.uk](mailto:recordcentre@cumbria.gov.uk).

**Please note: Privacy Notices cannot be finalised and published without identifying the correct retention period.**

## Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request (DSAR) by contacting:

Email: [information.governance@cumbria.gov.uk](mailto:information.governance@cumbria.gov.uk)  
Post: Cumbria County Council, Information Governance Team  
Parkhouse, Baron Way, Carlisle CA6 4SJ  
Telephone: (01228) 221234  
Online: [Contact Form](#)

## Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

## Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

## Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: [Shortbreaks@cumbria.gov.uk](mailto:Shortbreaks@cumbria.gov.uk)

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: [dataprotection@cumbria.gov.uk](mailto:dataprotection@cumbria.gov.uk)  
Post: Cumbria County Council, Legal and Democratic Services, 1<sup>st</sup> Floor,  
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD  
Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

## Reviews and Updates

In accordance with UK GDPR Article 13(3) where either, the extent of the data being collected or the purpose for collecting it changes this notice should be updated and republished, to ensure that data subjects are properly informed