

Flintshire Youth Justice Service Privacy Notice

Who is the Data Controller for this processing?

We are the Data Controller, the Youth Justice Service (YJS) acts as the Data Processor for the personal information it obtains or creates on service users

The personal information we have collected from you will be shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. If fraud is detected, you could be refused certain services, finance, or employment.

What personal information do we hold?

We only collect and use the minimum amount of personal information required when delivering a service to you. Wherever possible we use non-identifiable personal information.

In order to provide our service users with high quality and safe services which are relevant to their needs, the YJS will collect and hold information about individuals. This may include, but is not limited to:

- basic details such as name, date of birth, address and contact details
- parents/carers, family members - name, address, contact details
- offending history
- assessments
- all contacts with the YJS, or other linked services
- housing records
- education records
- police reports
- information about victims of youth crime

We also collect the following special category data:

- gender
- ethnicity
- religion
- medical information
- information from other professionals who may be involved e.g. CAMHS, substance misuse, speech and language

We collect information about you in various ways, including face to face, secure email, post and telephone.

We get most of this information from you, but we may also get some of this data from:

- Government agencies
- other local authorities
- health and social care providers
- police and probation services
- commissioned partners
- family members

How do we use your personal information?

We use your information to:

- deliver the Youth Justice Service, or handle your query
- plan and improve the services we offer
- detect and prevent crime or fraud
- research, however this would be in anonymised form unless we ask for your consent to use your personal information for this purpose
- evidence positive outcomes to funding agencies

Who else might we share your personal information with?

Sometimes we may need to share your information, but we will only do so where it is necessary or required by law. We will only share the minimum information for each circumstance.

Sharing information helps us to provide service users with the best interventions and support possible. We will only share relevant information about you with other services when they are involved in your care and support or where there is a legal basis for doing so.

There are a range of professionals who may be involved in providing services to you and where necessary will be provided with relevant information about you.

Agencies we share information with, or obtain information from include the following:

- Police
- Judicial agencies (HM Courts & Tribunal services, solicitors)
- Children's social care
- National Probation Service
- Health Services (health visitors, school nurses, GPs, consultants)
- Education services/providers
- Housing services/providers
- Drug and alcohol services
- Prisons/secure estates
- Other youth offending teams/services
- Youth Justice Board

What is the legal basis for our use of your personal information?

Most of the personal information we process is provided to us directly by you, under the General Data Protection Regulation (GDPR), the lawful bases we rely on for using your personal information are:

- we have a legal obligation (GDPR Article 6 (c))
- we need to protect your vital interests (GDPR Article 6 (d))
- we need it to perform a public task (GDPR Article 6 (e))

When we collect data about your race, health (including biometric or genetic data), sex life, sexual orientation, ethnic origin, politics or trade union membership, we also rely on the following lawful basis:

- we need it for employment, social security or social protection (GDPR Article 9 (2) (b))
- we need to protect your vital interests in situations where you are incapable for giving consent (GDPR Article 9 (2) (c))
- we need to defend a legal claim (GDPR Article 9 (2) (f))
- we need to collect it for Substantial Public Interest in order to comply with UK legislation (GDPR Article 9 (2) (g))
- we are providing you with health and social care support (GDPR Article 9 (2) (h))
- we need to analyse your information (GDPR Article 9 (2) (j))

The YJS collects and lawfully processes information about young people under the following legislation:

- Crime and Disorder Act 1998
- Criminal Justice Act 2003
- Legal Aid Sentencing and Punishment of Offenders Act 2012
- Offender Management Act 2007
- Police and Criminal Evidence Act 1994
- Children's Act 1989
- Children's Act 2004

The information will enable the YJS to look at the situation of every young person it meets and identify, or assess, possible reasons why they may have committed the offence. We will also need the information to investigate any difficulties a young person may be experiencing which may increase the chances they will commit more offences in the future. There are occasions the YJS will do this because a court has asked for a report on a young person before deciding on the sentencing outcome.

Where will we store your information?

The security of your personal information is important to us. The records we keep about you are secure and treated as confidential within the Flintshire County Council network who host our ICT Services. We have a range of procedures, policies and systems to ensure that access to your records is controlled appropriately.

The YJS case management system can only be accessed by authorised staff who have been given individual login credentials and relevant training.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

How long will we keep your personal information?

We will only use your personal information whilst delivering the service to you and to deal with any questions or complaints that we may receive about this, unless the law requires us to keep it for a longer period. In practice, this means that your information will be kept for the recommended timeframes from the Youth Justice Board and then securely destroyed.

- personal information relating to pre-court disposals and court disposals is securely destroyed after six years after the young person's 18th birthday
- personal information relating to sexual offences is retained indefinitely

- personal information relating to Looked After Children is retained for 75 years from date of birth (99 years if adopted) or if young person dies before 18th Birthday, for fifteen years following date of death
- personal information relating to child protection is retained for 25 years from Date of Birth or if young person dies before they turn 18, for six years following date of death

If we need to use your information for research or reports, your information will be anonymised and any information taken from notes (handwritten or typed) during any consultation sessions will be securely destroyed. The information will continue to be used in a summarised and anonymised form in any research reports or papers that are published. The anonymised information in the papers may be of historic interest and may be held in public archives indefinitely. *Since April 2015 a moratorium on destructions has been in place due to the Independent Inquiry into Child Sexual Abuse (IICSA) (aka Goddard Inquiry). When these restrictions are lifted, the above retention policy will come into force.*

Your rights

Under data protection law, you have rights including:

- your right of access - you have the right to ask us for copies of your personal information
- your right to rectification - you have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- your right to restriction of processing - you have the right to ask us to restrict the processing of your information in certain circumstances
- your right to object to processing - you have the right to object to the processing of your personal data in certain circumstances

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

To make a request follow the instructions on the Flintshire County Council website.

Will my personal information be accessible outside the UK?

Should the transfer of personal information outside of the UK become necessary, it will only take place if permitted by law, and then only where there are appropriate safeguards in place to protect the personal information.

We do not process your personal data outside of the UK.

How to complain if you are unhappy about how your data is used

We have a Data Protection Officer who makes sure we respect your rights and comply with the law. If you have any concerns about how we look after your personal data please contact the Data Protection Officer at dataprotectionofficer@flintshire.gov.uk or contact our Information Governance Team using the details below:-

Information Governance Team
Governance
Flintshire County Council
Ty Dewi Sant
Ewloe
Flintshire CH5 3FF

Data Protection Complaints Procedure

If you remain dissatisfied with how the Council has handled your personal data you may wish to contact the Information Commissioner's Office by:-

Post: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Phone - 0303 123 1113

Email - casework@ico.org.uk

Or by visiting the ICO website - www.ico.org.uk