

## The Emma Red Company (ERC)

### GDPR – Customer & Client Privacy Notice

**“The Emma Red Company” (ERC) is committed to ensuring that your personal data is processed fairly and lawfully, is accurate, is kept securely and is retained for no longer than is necessary. The guidelines that we follow are contained within our Company “Data Protection Policy” which meets the requirements of Data Protection Laws.**

**This “Privacy Notice” sets out what data we collect, how we process it and who we may share it with and why.**

**It also explains your rights with respect to the Personal Data that we may collect from you; that is data that identifies you as an individual or from which you may be identified.**

#### **Why do we need this Privacy Notice?**

On the 25th May 2018 the General Data Protection Regulation (GDPR) will be applicable and the current Data Protection Act (DPA) will be updated by a new Act giving effect to its provisions. Before that time the provisions of the DPA 1998 will continue to apply.

This Policy sets out the manner in which Emma Red as a Company will collect, process and store the personal data of families, children and other clients and how we ensure that it is processed fairly and lawfully.

#### **Who are we and what do we do?**

**The Emma Red Company (ERC), 3 Chapel Street, Chichester, West Sussex, PO19 1BU.**

The Emma Red Company helps children, parents and families to build improved relationships, be happy and resilient, learn and concentrate well and have the resources to overcome life’s many challenges.

The Company has a team of qualified and experienced Child and Play Therapists, providing a wide range of solutions to help today’s children realise their full potential, with the active support of their Teachers, families and relevant specialist professionals.

#### **Who in the Company is responsible for ensuring that we meet our obligations for data protection?**

The responsible person is called the **“Data Controller”** (DC) and is registered with the **“Information Commissioner’s Office”** (ICO) – the ICO is the Regulator in the UK for Data Protection. Our registration details can be checked on the ICO’s website by going to the following link and entering the business name, address or postcode: <https://ico.org.uk/esdwebpages/search>

The Data Controller is **Emma Red** and she can be contacted as follows:

By email: [emma@emmared.co.uk](mailto:emma@emmared.co.uk)

Or in writing to:

Emma Red, 3 Chapel Street, Chichester, West Sussex, PO19 1BU

## Why do we need to hold and process your personal data?

To allow us to discharge our responsibilities to Schools, Organisations and Individual Clients The Emma Red Company collects and uses personal information about Families and Children for the purposes of supporting and helping the Client. Where the contract is with a School (and Consent has been given); this data may be shared with the School and any other Agency employed in a Multi-Agency Agreement relating to the Child or Family or any Agency involved in supporting an Individual Education Plan (IEP) or Educational Health Care Plan (EHCP). Where the contract is with an Individual Family the data will not be shared with any Third Party except for processing as detailed below without the explicit consent of the Family.

Information collected on behalf of a School may be part of a legal requirement to collect information to ensure that the School complies with its statutory obligations.

Where Emma Red is contracted to provide services with a School an appropriate Data Processing Agreement (DPA) will be in place with the School's Data Controller (DC).

Emma Red also collects "Anonymised Data" (that is data which cannot be used to identify an Individual or Individuals) for the purposes of research and publication of trends, effectiveness of interventions and techniques that achieve a general improvement in child welfare and achievement.

ERC may also process personal data if at least one of the following applies:

- In order to protect the vital interests of an individual.
- Where a Safeguarding issue exists.
- There is explicit consent.
- For financial transactions relating to ERC's Services.
- For the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- For reasons of public interest in the area of public health
- For reasons of substantial public interest, based on law, which is proportionate in the circumstances and which provides measures to safeguard the fundamental rights and the interests of the data subject.

## What sort of personal information could we be collecting about you and processing?

The categories of information that we collect, process and hold include:

- Personal information (such as name, date-of-birth, address, phone number, email address).
- Family details.
- School & Education details and progress.
- Attendance information at sessions.
- Any special educational needs or disabilities including medical information.
- Any medical treatments or interventions.
- Progress under direct and targeted support.
- Special categories of data including gender and nationality.

## Consent & Children.

- The UK Government has invoked a derogation under the GDPR with respect to the minimum age for consent:
- Data processed for Children under the age of 13 must be consented by a Parent or Guardian, where there are 2 Parents or Guardians it is preferable that both provide consent.
- In the case of Children aged between 13 – 16 it is preferable that both the Child & the Parent(s) or

Guardian(s) provide consent.

- Young people aged between 16 – 18 should provide their own consent unless there are reasons where this may be inappropriate.

## **Do we pass or share your personal information with anyone else?**

We will not give your information or personal details to anyone outside The Emma Red Company other than those listed below without your consent, unless we are required by the law to do so.

- If we are Contracted by or are supplying a Service to a School or other Educational Organisation we may share information with them, this will be controlled by a specific Data Processing Agreement (DPA) which limits the extent to which we share Data.
- My P.A. Mobile Secretarial & Administrative Services, who provide support, under contract, to produce reports, manage information and complete administrative tasks. They are therefore a Data Processor whose activities are limited by us to exactly the same extent as The Emma Red Company and the Purpose outlined in this policy.

**Your Data will never be sold or passed to any other organisation(s).**

## **How long will we retain your data?**

Some data such as records of financial transactions will be kept for seven years for audit and tax purposes.

At the ERC our principle is not to retain any data or personal information for longer than is necessary in relation to the purposes for which it was collected. We will always be driven by best practice to ensure that Information will be held in accordance with the latest guidelines and not for any period exceeding the recommendations.

## **What are my rights regarding the data you hold about me?**

Under GDPR (the new regulation) you have significantly enhanced rights which include:

1. Being informed of data processing (which is covered by this Privacy Notice).
2. Accessing information (also known as a Subject Access Request (SAR)) that we hold on you. In some circumstances there can be a charge for this.
3. Having inaccuracies corrected promptly.
4. Having information that we hold about you erased except where there is a statutory or legal requirement for us to collect process or hold it.
5. Restricting processing of your data except where there is a contractual, statutory or legal requirement to process it. (Right to be forgotten)
6. Data portability where relevant.
7. Intervention in respect of automated decision making (automated decision making is not operated within ERC).
8. Withdrawing consent (see below)
9. Complaining to the Information Commissioner's Office (ICO) (See below)

## Can I stop you holding and processing my data?

### Withdrawal of Consent

The lawful basis upon which ERC processes personal data is as follows:

- Private Clients – to fulfil our Contract to you under the Consent that you have provided.
- If we are Contracted by or are supplying a Service to a School, then the legal basis for processing personal data is:
  - To comply with the School's legal obligation and to enable it to perform tasks carried out in the Public Interest.
  - To meet the statutory obligations for education.
- Where we process data solely on the basis that you have consented to the processing, you will have the right to withdraw that consent.

**To exercise any of these rights you must in the first instance contact the Data Controller (DC) in writing or by email to:**

[emma@emmared.co.uk](mailto:emma@emmared.co.uk)

**If we are contracted to or supporting a school in a particular intervention, you should contact the Data Controller (DC) or Data Protection Officer (DPO) at the appropriate establishment.**

**If you are unhappy with the way your request has been handled, you may wish to ask for a review of the DCs decision by challenging it in writing within 28 days.**

### Complaints to the ICO

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF