

Merthyr Tydfil County Borough Council

PRIVACY NOTICE

CWM TAF YOUTH OFFENDING SERVICE (YOS)

This notice has been written in accordance with the General Data Protection Regulation and relevant legislation

Information Governance Team

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Data Protection Officer

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Data Disclosure and Records Officer

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1. IMPORTANT INFORMATION

Merthyr Tydfil County Borough Council is responsible for deciding how we hold and use personal data we collect. We are required under the data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract to provide services. We may update this notice at any time if we do, we will ensure that an updated copy of this notice is made available to you as soon as reasonably practical.

It is important that you read this privacy notice together with our [Privacy Standards Policy and full the privacy notice](#) which contains more detailed information about our data processing and can be accessed on our website.

This privacy notice provides information on how we use your personal data for the Cwm Taf Youth Offending Service (YOS). YOS is a jointly run service with members from several organisations working in partnership to help support children aged between 8 and 17, their families and victims of crime, to reduce offending, reoffending and anti-social behaviour. This notice applies to the young people who are involved in the YOS and their families.

2. WHO WE ARE

Merthyr Tydfil County Borough Council is the data controller therefore we are responsible for the personal data we hold. The Council is made up of different departments, details of which can be found on our [website](#). When we mention the Department, we are referring to the YOS, who is responsible for processing your data for the services detailed in this privacy notice.

The YOS will become involved in your life if you are at risk of committing offences, if you have engaged in anti-social behaviour, you have been charged with a crime and been summoned to court, or if you have been convicted of a crime and given a prison sentence or community service.

If you are involved with the YOS they will provide a number of different services, these will include a crime prevention programme, a restorative justice and community reassurance programme, they will provide your parents and carers with help and support and encourage them to get involved in the service. Additionally, the YOS will support the victims of crime and anti-social behaviour and their families.

Merthyr Tydfil County Borough Council has appointed a Data Protection Officer who can be contacted using the details at the top of this notice.

3. WHAT PERSONAL DATA IS USED

We may collect, use, store and transfer different kinds of personal data about you. Our prevention services will also maintain records of the interventions they have offered to support their goals and prevent further offending. Our workers regularly do outreach work in the community and as part of this activity, will record significant information about any child working with the YOS. This information might include details about any safety and wellbeing concerns, anti-social or offending behaviour, or behaviour which places others at risk.

We also keep records regarding the victims of crime. We have an obligation under the 'victim code of practice' to store victim information separately from the perpetrator of their crime. The information we collect is used to provide a holistic service to every victim who agrees to participate with the Service. The type of information we collect and use will vary depending on the needs and circumstances of each young person, their family/carers and any victims.

The types of personal data we use will include:

- Personal descriptors which include your name, address, email address, telephone number, date of birth
- Identification numbers, including your national insurance number, WCCIS number, any crime reference numbers
- Education data such as your qualifications, exam results, education history, training course attendance, school reports, exclusions, suspensions and achievements

We may also use and store demographic data which provides context to your personal data, such as:

- Lifestyle data, this data will include your marital status, your characteristics, general reputation, general appearance, your financial and social status, personal opinions, special dietary requirements.
- Data that relates to your family life such as the number of people living in your household, your relationships, where you attend school, relevant information about your needs and personal circumstances.
- Observations and professional opinions of the YOS which may include relevant information about planned interventions, goals and achievements.

We may also process more sensitive data such as:

- Criminal data which will include details of arrests, convictions, charges or pardons, prison data, probation data, information about any previous contact with YOS professionals and support services.
- Cultural information
- Social services data which may include whether you have a looked after child, a vulnerable adult, whether you are a foster carer or care for a member of your family, care plan data and special educational needs data and any input from the Educational Psychology Service.

There are special categories of more sensitive personal data which require a higher level of protection. We collect, store and use the following special categories of personal data about you:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Health including physical and mental health
- Sex life or sexual orientation

We explain the different methods used to collect this data about you in section 4 of this privacy notice.

4. HOW YOUR PERSONAL DATA IS COLLECTED

We collect personal data about you in a number of different ways, either directly from you from your participation in our programmes, your family members, specifically parents or carers and also from victims of crime. In addition to this we will also obtain information from the Police, the Courts and Youth Bureau, Probation Services and Youth Offending Services in other areas (particularly if you have moved from one area to another or if you have a history of involvement with another YOS).

We will input your personal data into our Council computer systems. Your personal data is stored on the Council's secure computer servers and only authorised personnel can access it. All personnel that have access to your personal data are provided with annual data protection and information security training.

We may sometimes collect additional personal data from third parties including your school teachers, youth workers, social workers and on some occasions from your GP, Child and Adolescent Mental Health Service (CAMHS) or other health services such as speech and language.

We will collect additional personal data during our Council business functions and the services we provide to you throughout your contact with us. For more information about how your personal data is used in other service areas please visit our privacy notice [webpage](#).

5. LEGAL BASIS FOR PROCESSING

We will only use your personal data where the data protection legislation allows us too. These will include the provisions set out under the [General Data Protection Regulations](#) and where relevant the [Data Protection Act 2018](#). We will use your personal data in the following circumstances:

Article 6(1)(c) which relates to a legal obligation found in the following laws:

Crime and Disorder Act 1998

Domestic Violence, Crime and Victims Act 2004 Section 54 (This provides for the disclosure of information in compliance with the Victims Code of Practice)

Legal Aid, Sentencing and Punishment of Offenders Act 2012

Children Act 2004

Social Services and Well-being (Wales) Act 2014

National Standards for Youth Justice Services April 2019

Anti-social behaviour, Crime and Policing Act 2014

Section 55 of the Borders, Citizen and Immigration Act 2009

6. SHARING YOUR PERSONAL DATA

We may share your personal data across the Department to provide you with the support you require, we will also share your data internally with other Departments which includes:

Education Service

Social Services

Community Wellbeing

Community Safety

Safeguarding

Housing Services

To ensure we can carry out these services we will also be required to share your personal data with external organisations which will include:

Rhondda Cynon Taf County Borough Council

South Wales Police

Cwm Taf Morgannwg Teaching Health Board

Probation Service

BAROD

The Council has signed a WASPI Data Sharing Agreement with the organisations listed above which can be located [here](#).

We will work with various health professionals in order to deliver our services, these will include:

Your GP
Community Nursing Services
Substance Misuse Services
Mental Health Services
Wales Forensic Adolescent Consultation and Treatment Service
Public Health Wales
Neurodevelopment
Speech & Language

We work with several institutions which you are involved in to ensure that you receive the support needed. These may include:

Young Offenders Institutions (YOI)
Secure Training Centres (STC)
Secure Children's Homes
Youth Offending Services in other areas
Police (including British Transport Police)
Barnados (Better Futures and ICTGS)
Careers Wales
Education, College, and Training providers
Sport and Leisure providers
Employers
Drug and Alcohol Support Services (eg BAROD or any other local provider)
Single Competency Agency
New Pathways
Housing Providers
Exchange Counselling Services
Victim Focus Groups

There may be occasions when we must share your personal data with Welsh Government for statistical and analysis reasons. Welsh Government use personal data held by us to regulate how we discharge our public functions. Other regulators and governing bodies that we share personal data with may include:

HM Prison and Probation Service (HMPPS)
Home Office
Youth Custody Service (YCS)

We share your personal data with the Youth Justice Board (YJB) in response to any requests we received from them. This may include ad-hoc disclosures for research purposes and to improve practice, relating to case level data exported from YOS's case management systems or collected in a bespoke format specified by the YJB. The information is provided to the Youth Justice Board to monitor the operation of the youth justice system; provide youth justice services; advise the Secretary of State on the operation of the Youth Justice Service, promote good practice, commission research, annually assess the demand for secure and other accommodation and to also share non-personal data with other organisations.

We will not transfer your data to any countries outside of the [European Economic Area](#). If we do, we will inform you as soon as possible and you can expect a similar degree of protection in respect of your personal data.

7. HOW LONG WE KEEP YOUR PERSONAL DATA

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. The personal data collected in accordance with the processing detailed in this notice will be kept until your 25th birthday. After this date, your personal data will be securely destroyed.

Details of retention periods for different aspects of your personal data are available in our Records Management Policy which is available on our website (www.merthyr.gov.uk).

8. HOW WE KEEP YOUR PERSONAL DATA SECURE

We have implemented appropriate security measures to prevent your personal data from being accidentally lost, used, accessed, altered, or disclosed in an unauthorised way. We limit access to your personal data to those employees who have a business need to know. Our employees will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so. You can find out more about how we keep your personal data secure by contacting our Information Security Officer on information.security@merthyr.gov.uk.

9. YOUR LEGAL RIGHTS

In certain circumstances, you have rights under data protection laws in relation to your personal data. These are outlined in the GDPR and include:

- The right to Rectification – you have the right to ask to have your information corrected.

- The right to Restrict processing may apply – you may request that we stop processing your personal data however, this may delay or prevent us delivering a service to you. We will seek to comply with your request but may be required to hold or process information to comply with our legal duties.
- The right to not be subject to Automated decision making and profiling.
- The right of Access – you have the right to ask us for copies of your personal data. To make a request, please contact the Information Governance Team.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if you make any changes to your personal data so that we can update our records.

If you want to review, verify, correct, request erasure, object, or request that we transfer a copy of your personal data to another party, please contact the Data Protection Officer in writing using the contact details provided at the top of this notice.

10. FURTHER DETAILS

You also have the right to make a complaint at any time to our Data Protection Officer, whose contact details are provided above, or the Information Commissioner's Office, the UK supervisory authority for data protection issues:

Address: Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH
Email: wales@ico.org.uk
Tel: 0330 414 6421

If you are looking for more information on how we process your personal data including data security, data retention, individual rights please access our [full privacy policy](#). You can also obtain information directly from Information Commissioners Office [website](http://www.ico.org.uk), www.ico.org.uk.