For: People involved in the Hearings System	Version 2.0 07 September 2022	Author: Stephen Eodanable

Who is SCRA and what is this privacy notice for?

The Scottish Children's Reporter Administration (SCRA) is a national organisation focused on the most at risk children and young people in our society. SCRA has been in operation since 1st April 1996. Our main responsibilities are set out in the Children's Hearings (Scotland) Act 2011 and include:

• To facilitate the work of Children's Reporters,
• To deploy and manage staff to carry out that work,
• To provide suitable accommodation for Children's Hearings.

SCRA is part of the Children's Hearings System. It aims to be a safety net for vulnerable children and young people, deliver solutions which meet the needs of the individuals involved, and to help to build stronger families and safer communities.

SCRA is a Data Controller, as defined in data protection law. SCRA's head office is at Ochil House, Springkerse Business Park, Stirling, FK7 7XE and it has various office locations throughout Scotland. Our Data Protection Officer can be contacted at Inforequest@scra.gov.uk or on 0131 244 7202.

This privacy notice is about the personal information we at SCRA hold to carry out work under the Children's Hearings (Scotland) Act 2011. It explains what personal information we hold, why we hold it, and what we do with it. It also explains where to find out more about an individual's rights under data protection law.

SCRA is committed to ensuring all personal information is processed in accordance with data protection law.

What personal information do we hold?

Information provided to SCRA in the referral of a child, during the investigation and determination of a referral or during a Children's Hearing, is likely to include a variety of personal information. This can include names, addresses, dates of birth, contact details, unique identifiers (for example, a child's case reference number); information about an individual's interests, personal/life history, financial situation, behaviour, educational or professional career, public life (including character, reputation, social status, marital status), family and relationship structure, friends and social connections; correspondence received from or sent to an individual; expressions of opinion; indications of the intentions of someone in respect of an individual.

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[1] This can include but is not limited to children, young people, family members, relevant persons, prospective adopters, foster carers, family associates, witnesses, victims and individuals who submit a referral to SCRA.

We may also hold information about ethnicity, religious beliefs, political affiliations, philosophical beliefs, sexual life, sexual orientation, health data, physical characteristics, and information relating to any criminal offences and convictions as well as alleged offences.

Why does SCRA need to hold personal information?

We hold personal information because someone is concerned about a child or young person and has contacted us. This can be for lots of different reasons, including if the child or young person is having problems with going to school, if they have been in trouble with the police, if someone is worried that they are not being properly looked after at home or if someone is worried about their safety. We need this information because the law asks us to help protect children and young people. Further details about SCRA's responsibilities, as well as information about Children's Hearings, can be found on our website.

We use personal information for the following purposes: pre-referral discussions; to decide if there should be a Children's Hearing; to evidence our decision making; and to meet our legal requirements to notify children, young people and relevant persons of outcomes and any other decisions made in respect of a child as required by the Children's Hearing (Scotland) Act 2011. If there is a Children's Hearing, we will record its decisions.

We may also use personal information for quality assurance purposes: to check that personal information is being used correctly and in line with our legal responsibilities; and for research and statistical purposes to inform policy, practice and legislation regarding Care Experienced children and the Children's Hearings System. If we use personal information for these reasons, we will make sure that individuals cannot be identified.

We process personal information either because it is necessary to comply with our statutory obligations under the Children's Hearings (Scotland) Act 2011 (and related rules); and/or it is necessary for us to carry out our official duties laid down by law. Under the UK General Data Protection Regulation (UK GDPR), the SCRA processes information as part of our public task or because of legal obligations.

Where do we get personal information from?

Anyone can contact the Principal Reporter if they are concerned about a child or young person.

Children's Reporters investigate referrals about children/young people by asking for information from a number of sources – for example they might get information from a social worker, a doctor, a parent/guardian or a teacher. This information will usually concern the child/young person referred, their parents, and other individuals associated with the child's care. Children, young people and relevant persons can also give information to the Children's Reporter. The Reporter will decide whether to arrange a Children's Hearing for the child.

Who has access to your personal information?

SCRA staff use personal information to engage in pre-referral discussions, investigate a referral, decide whether to arrange a Children's Hearing, check that personal information is being used properly, carry out research and produce statistics. We will also access personal information to fulfil people's rights under data protection law.

Who will we share personal information with?

If a Children's Reporter engages in pre-referral discussions or requires further information in order to determine whether there should be a Children's Hearing, then we may share personal information with a number of sources. These sources may include: a social worker; a doctor; school representatives; other professionals; a parent/guardian; the child/young person who the referral is in respect of, or other individuals associated with the child's care.
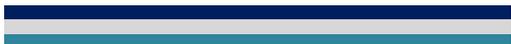
If we decide that a Children's Hearing should take place, we will normally share personal information with anyone who is entitled to attend that Hearing. These people may include social workers, family members, solicitors, advocates, and members of the Children's Panel.

We may also share information with other child protection and justice agencies, but only if we have a lawful basis for doing so. We must share information proportionately and with adequate safeguards in place to protect the personal information.

We will share anonymised information with [Children's Hearing Scotland (CHS)](#) and other agencies in order to support ongoing research and produce statistics in relation to the Children's Hearing System. We may share personal information with CHS to assist with their investigation of a complaint or for another purpose where it is necessary to do so and a lawful basis is identified.

We will provide victims (of offences) with the referral outcome, if they have asked to be kept updated. We provide this through our [Victim Information Service](#), in accordance with the Criminal Justice (Scotland) Act 2003. We will not share names of children and young people and will protect the right of the child or young person to confidentiality.

How long will we hold personal information?

We retain personal information in line with data protection law. Once the information is no longer needed, it is securely destroyed. Personal information will be held until a child's 18th birthday unless an exception to the retention policy applies.

For the applicable retention periods, please see our [Record of Processing Activities](#).

What are your rights?

One of the key objectives of data protection law is to protect and strengthen the rights of individuals in how their personal information is used.

Under data protection law, you have rights including:

- **The right to be informed** – You have the right to be informed about the collection and use of your personal data unless an exception applies.
- **The right of access** - You have the right to ask us for copies of your personal information.
- **The right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **The right to restrict processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- **The right to object** - You have the right to object to the processing of your personal information in certain circumstances.
- **The right to not be evaluated on the basis of automated processing** – You have the right not to be subject to a decision based solely on automated processing, including profiling, that produces legal effects which concern you.

   Information on <u>all</u> of your rights, including how you can exercise these rights and where exemptions may apply can be found on the Information Commissioner's Office [website](#).

What can you do if you are unhappy with the way we process your information?

If you are unhappy with the way we process your information, please speak to our Data Protection Officer. The Data Protection Officer can be contacted at inforequest@scra.gov.uk and on 0131 244 7202. You can also write to them at Ochil House, Springkerse Business Park, Stirling, FK7 7XE.

If you remain unhappy with the way we process your information you can also complain to the Information Commissioner's Office at the contact details below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number