



# Privacy Notice

## Youth Justice Services

### (Cheshire East, Cheshire West, Halton & Warrington)

This Privacy Notice explains how we use and share information. We will review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law.

### Who Will Own My Data?

Youth Justice Services (YJS) acts as the Data Processor for the personal information it obtains or creates on service users.

For the purposes of Data Protection, the four Local Authority areas we service are the Data Controllers. This will be dependent on which area you live:-

Cheshire East      [dp@cheshireeast.gov.uk](mailto:dp@cheshireeast.gov.uk)

Cheshire West      [dpo@cheshirewestandchester.gov.uk](mailto:dpo@cheshirewestandchester.gov.uk)

Halton              [informationgovernanceservice@halton.gov.uk](mailto:informationgovernanceservice@halton.gov.uk)

Warrington        [dpo@warrington.gov.uk](mailto:dpo@warrington.gov.uk)

### What do you use my information for?

The YJS has a legal obligation to support and work with children and young people aged 10-17 years and their families to carry out specific functions to prevent offending or reoffending. We collect and hold information in order;

- To deliver the combined Youth Justice Service across Cheshire East, Cheshire West & Chester, Halton and Warrington Councils
- For service improvement, planning and performance
- For prevention and detection of crime
- To undertake research using anonymised data only

### What allows you to use my information?

The Youth Justice Service (YJS) works with young people who come into contact with the criminal justice system because they have committed an offence.

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 1984
- Children's Act 1989 & 2004

We process personal data for the following reasons:

- GDPR Article 6(1)(c) - processing is necessary for compliance with a legal obligation
- GDPR Article 6(1)(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

We process special category data for the following reasons:

- GDPR Article 9(2)(i) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject
- DPA 2018 Schedule 1 Part 2 (6) - statutory and government purposes.

The information will enable the YJS to look at the situation of every young person it comes into contact with and identify, or assess, possible reasons why they may have committed the offence.

We will also need the information to look into 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.

## **What type of personal information will you collect?**

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
- Characteristics (gender, ethnicity, languages spoken, religious beliefs, health needs or problems (physical and emotional), medical history (CAMHs, substance misuse, speech & language), disabilities, immigration status
- Parents/carers, family members - name, address, contact details
- Offending History
- Social Care records
- Assessments
- All contacts with the YJS, or other caretaking Service
- Housing records
- Education records
- Police reports
- Information from other Youth Offending Services
- Information about victims of youth crime

We collect information about you in the following ways:

- Face to face (with YJS staff, or one of our partners)
- Paper, electronic or online forms
- By secure email
- By post
- By telephone
- Use of audio monitoring equipment or CCTV



## **Do i have to provide this information?**

We are processing your data under the requirements of the Crime and Disorder Act 1998, Section 115 and Section 14 of the Offender Management Act 2007. As such you cannot object to the processing as we are legally required to do so by UK Law. For more information on your rights please see “What rights do I have?”

## **Who will my information be shared with?**

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, but this list is not exhaustive:-

- Police
- Judicial Agencies (HM Courts & Tribunal Services, Solicitors)
- Children’s Social Care
- National Probation Service
- Health Services (CAMHs, Health Visitors, School Nurses, GP’s, Consultants)
- Education Services/Providers
- Housing Services/Providers
- Revenues and Benefits
- YJS Volunteers
- Drug & Alcohol Services
- Prisons/Secure Estates
- Other Youth Offending Teams/Services
- Youth Justice Board
- Ministry of Justice

## **How will my information be stored?**

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

## **Will my data be transferred abroad?**

We do not process your personal data outside of the United Kingdom

## **Will this information be used to take automated decisions about me?**

No the information will not be used to make automated decisions



## How long will you keep my information and why?

We must keep business records of our involvement with you in both paper and electronic format. The type of service you receive will determine how long we have to keep your personal information. Data is held no longer than is necessary. The recommended timeframe (Youth Justice Board Guidance) for holding data is different depending on the purpose for which the information was collected and processed.

Paper files are destroyed on completion of our involvement with any relevant information scanned and attached to electronic case files

<b>Involvement Description</b>	<b>Retention Action</b>
Prevention /Divert	Destroy at point of 25 <sup>th</sup> Birthday
Pre-Court Disposals	Destroy at point of 25 <sup>th</sup> Birthday
Court Disposals	Destroy at point of 25 <sup>th</sup> Birthday

However there are some exceptions, tabled below

<b>Exception</b>	<b>Retention Action</b>
Schedule 1 Sexual Offences Act Section 91 Disposal	Retained for 75 years from date of birth
Looked After Children	Retained for 75 years from date of birth or if young person dies before 18 <sup>th</sup> Birthday, for 15 years following Date of Death
Child Protection	Retained for 75 years from date of birth or if young person dies before 18 <sup>th</sup> Birthday, for 6 years following Date of Death

Each Local Authority also has a retention schedule in place to ensure that information is only held for as long as it is needed. For more information please email the Data Controller for your area, listed on the first page of this document

## What rights do i have when it comes to my data?

The rights you have depend upon the grounds upon which we collect/obtained your information. In the majority of cases, people who have been involved with Youth Justice Services will have the following rights

Right to be informed – through this Privacy Notice

Right to rectification – If you believe any information we hold about you to be incorrect you have the right to have personal data rectified.

Right to erasure – you have the right to have personal data erased and to prevent processing however the right to erasure does not apply in some circumstances. Requests will be dealt with on an individual basis

Right to restrict processing – you have the right to block or suppress processing of your data, however this right does not apply in some circumstances. Requests will be dealt with on an individual basis

Right to object to processing – In addition to the right to limit the use of your data, you also have the right to object to the use of your data, for certain types of processing only. Requests will be dealt with on an individual basis.



Right of Access - you have the right under the Data Protection Act 2018 and the General Data Protection Regulation to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access. To request a copy of your data please email [yjs@youthjusticeservices.org.uk](mailto:yjs@youthjusticeservices.org.uk) or contact 0345 145 0055 who will then liaise with the relevant local authority

## Further Information

Each local authority has a designated Data Protection Officer (DPO) who provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact the YJS Information Manager in the first instance by calling 0345 145 0055 who will then liaise with the relevant local authority DPO.

If we have not been able to deal with your complaint, you can also contact the Information Commissioner's Office:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow Cheshire

SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Fax: 01625 524 510

Website: [Information Commissioner's Office website](#)