**Data Protection and the General Data Protection Regulation (GDPR):**

**Letter to Schools**

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| The General Data Protection Regulation (“GDPR”) came into force on 25th May 2018, alongside a new Data Protection Act 2018 (“DPA”). These new laws aim to put people back at the centre of information handling, and to ensure that all organisations that hold people’s personal information act in a lawful and transparent way.  We are contacting you make you aware of what Place2Be is doing in relation to data protection, particularly how we “process personal data” – ie how we collect, store, use or assess personal information – and our legal bases for how to handle personal information.  One of the major changes under the GDPR and DPA is around the consent of the individual whose information is being used. Where consent is appropriate, the GDPR and DPA impose a high standard to ensure individuals give clear consent. But the GDPR and DPA also recognise that there are many situations when it is not appropriate to seek the individual’s consent, because there are other appropriate lawful bases for the use of the information, which include protections for individuals.  **Legal basis**  Under GDPR, as we are providing a counselling service direct to children, we do not need (and should not be seeking) consent from a child’s parent or carer to process their data. As a result, we should not give an impression to parents that we are relying on their consent to process their data. This reflects the “conditions for consent” in Article 7 of the GDPR, as well as the guidance in the GDPR that states that parental consent is not necessary in the context of counselling services offered directly to a child. It is also in line with guidance from the British Association for Counselling and Psychotherapy (BACP) and the Information Commissioners Office, the UK’s information and privacy watchdog.  Instead, the GDPR and DPA impose strict safeguards on the use of children’s information by requiring us to identify another lawful basis for recording, storing and assessing information about the children who come to Place2Talk. Our lawful basis is that this processing is necessary to protect the interests of each child who accesses our counselling support service, as only the minimum necessary information is collected, and it is processed in a way that respects the interests, rights and freedoms of each child. This is called the “legitimate interests” legal basis. |

Additionally, when we process any “special category personal data” – ie information identifying the racial or ethnic origin of a child and information about their health (mental or physical) – we are required to identify further lawful bases. We have two further bases:

* The processing is necessary for the purposes of the provision of health or social care and the individuals collecting and using the information are subject to an obligation of secrecy under the law of the UK;
* The processing is necessary for scientific research purposes or statistical purposes and is proportionate to the aim pursued and subject to safeguards;

**Changes to our procedure**

Whilst ensuring we are GDPR complaint, we believe it is important to work in partnership with parents and schools to achieve the best outcomes for children and their families. We also have an ethical responsibility to ensure parents agree that we can provide counselling to their children. [We believe we can do this without breaching the GDPR.]

As a result, we will continue to ask parents / carers to complete a form agreeing for their child to come to 1:1 counselling sessions. To help them make this decision, we will provide them with an information sheet with further details about our service (see attached). As per the above, however, we will not ask parents for consent to process their child’s data. Instead we will ask parents to confirm they have read and understood the information about the service and that they agree for their child to attend the counselling sessions.

With Place2Talk, we will ask parents to complete a slip if they do not wish their child to attend.

We have put together a list of FAQs which can be found on our website. FAQs not only cover consent, but also steps we have taken to become GDPR compliant which we feel you may find useful. If you have any other questions or concerns relating to Place2Be’s use of data, please contact us at: **Privacy@place2be.org**.

With best regards

Place2Be