

Date Issued:	May 2018
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St David's Children Society Privacy Notice

Context

St David's Children Society is a Voluntary Adoption Agency established in 1942 to provide adoption services across Wales and its borders. The society's primary functions are to recruit, approve and support adoptive families providing safe permanent homes for children who require adoption. St David's Children Society is a Registered Charity (Registration Number 509163) and a company limited by Guarantee (Registered Cardiff 1546688).

St David's Children Society is committed to protecting your privacy. This statement explains how we use the information you give us and the ways in which we protect your privacy.

Under the Data Protection Act 2018 and the General Data Protection Regulation 2018 **Wendy Keidan, Chief Executive Officer** of St David's Children Society is the '**data controller**' and is responsible for ensuring personal data held about you is used for the purposes set out in this notice.

The Data Protection Act 2018

St David's Children Society treats all personal information that you provide to us, or that we obtain from you, in accordance with the provisions of the Data Protection Act. Under this Act, we have a legal duty to protect any information we collect from you. We use technologies and encryption software to safeguard your data, and keep strict security standards to prevent any unauthorised access to it.

Any amendments to this policy will continue to be in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation 2018. The Data Protection Act 2018 and Regulation can be reviewed at The Information Commissioner's Office web site at www.ico.gov.uk

Personal Information

The personal information we collect from you will be used solely for adoption purposes. This is to assess if adoption is right for you and your family; if now is the right time for you to adopt and if you are able to adopt the children who currently need adoptive families. From the point of your initial enquiry, during the adoption assessment processes and beyond the making of the Adoption Order for your child we will collect and hold personal information. We will also hold personal information on you if you contact St David's Children Society to access further support in the years following the making of the Adoption Order.

The information we collect

We collect and hold data which you share with us as part of an enquiry into adoption or as part of the adoption assessment process. This data can be personal (which means any data from which you can be identified, including your name, address, e-mail address, date of birth etc.) and special category (which means data based on race, ethnic origin, religion, sexual orientation, health etc.) The personal or special category data we collect will in most

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instances be gathered following an information request, an enquiry to provide you with our service, or as a part of the statutory adoption assessment process. At each stage of the adoption process, and where applicable, consent and permissions will be sought to hold and/or share information.

By requesting St David's Children's Society to assess your appropriateness to adopt you will be entering into a provision of service and aspects of your data will be processed as a condition of this service. We will out of courtesy request your permission to hold data.

How is data used

Following an initial enquiry or information request your information will be shared with internal staff responding to the request. In exceptional circumstances such as child protection or safeguarding concerns it may be shared with external parties in accordance with our statutory responsibilities. We are also obliged under statutory duties to provide information to external fostering and adoption agencies if an application is made, by you, to them.

During assessment (subject to your consent) we will share information with relevant individuals, agencies or organisations to verify the information you have provided. These will include contact with the Disclosure & Barring Service (DBS), the Local Authority in which you reside, present employers and financial checks. It may include sharing information with schools and nurseries. We will also share information with those individuals you have nominated as personal referees and if applicable make contact with ex partners. We need to be as sure as we can that you will be able to care for a child through to adulthood and these checks support our understanding. We will ask your consent for you to have a medical examination by your registered medical practitioners who will then send a written report to a designated medical advisor who reports to the Adoption Agency. If we feel that further enquiries from medical specialists are needed, we will contact you to ask for your specific consent to obtain further health information.

We never pass your personal information to any other parties unless we have first obtained your expressed permission to do so. We will ask you to sign relevant forms in order for us to proceed with your application. In signing these forms, you are giving your specific consent for St David's Children Society to process the information we collect from you now and whilst we have involvement with you for the purposes of adoption. Should you choose to withdraw your consent at a later stage, we will not be able to assess your suitability for becoming an adopter. In this instance disposal of your personal information will be in accordance with your own individual circumstances underpinned by the Data Protection principles of proportionality and reasonableness.

Once you have been approved as an adopter any data gathered, shared and processed is governed by the legislation underpinning St David's Children Society as a Voluntary Adoption Agency.

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We will seek your consent for your personal information to be used for the purposes of communicating with you in relation to additional services provided by St David's Children Society. This may be to enable us to review, develop and improve the services we offer, invite you to attend ongoing training, events or activities or for any other purposes to which you have given your consent.

Disclosure of personal data to third parties

As stated we do not disclose your personal data to any third parties without your permission except insofar as you have consented or we are required to do so by law for information such as a court order, witness summons, or complaint from governmental authorities.

There may be certain circumstances, such as child protection or safeguarding concerns, where we are legally obliged to share without your consent. This will be only where necessary and in accordance with our statutory obligations.

Keeping your data secure

St David's Children Society takes its Data Protection Act obligations very seriously. The information you provide is subject to rigorous security measures and procedures to make sure it can't be seen. We have put in place appropriate physical and electronic measures (including Cyber Essentials certification), security policies and managerial procedures to safeguard and secure the personal data that we have under our control from unauthorised access, improper use, alteration, unlawful or accidental destruction or accidental loss. We are also signed up to the WASPI agreement on the sharing of information.

This information shared will form part of the agency's case record in respect of your adoption records and once an approved adopter adoption order is made will be stored and disposed of in accordance with the Adoption Agencies (Wales) Regulations 2005 (see below).

Only authorised personnel will have access to your personal information. All personnel who have access to your personal data are contractually obliged to respect the confidentiality of your personal data.

Spouse or partner data

During an initial enquiry you will be requested to share information about a spouse or partner living with you. You will be asked to share their name, age and relationship status alongside specific health questions. This information is collected in respect of Part 4 of the Adoption Agencies (Wales) Regulations 2005 and will be processed in accordance with legitimate interests of the agency in providing the service requested. Consent to hold personal data will be sought directly from the individual as soon as possible. You will also be required to share any other household member details.

Referee Data

Under the Adoption Agencies (Wales) Regulations 2005 (part 1 of Schedule 4) St David's is

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required to request that prospective adopters provided the names of three referees. This contact information will be held securely on the St David's systems as necessary for the service being provided. On direct contact with referee's consent will be sought to hold their personal information which will be stored securely with the information provided by the referee. Under the regulations any information shared by a referee will be confidential and only shared with full consent. Referee information is held in line with the adoption assessment in relation to the retention periods stated.

Retention Period

Prospective Adopters

Prior to an Adoption Order being made:

The Adoption Agencies (Wales) Regulations 2005 state it is at the agency's "discretion to keep records for such a period as is considered appropriate". The periods stated below remain at the discretion of the agency and will be discussed and agreed on an individual basis as reasonable and appropriate.

- i. All data provided at initial enquiry will be held for a period of 18 months or as deemed necessary.
- ii. All data provided at initial visit will be held for a period of up to 5 years or as deemed necessary.
- iii. All data provided during an adoption assessment that **does not** proceed to panel and Agency Decision Maker (ADM) will be held for a period of 5 years or as deemed necessary.
- iv. All data provided during an adoption assessment that **does** proceed to panel and ADM but is **not** approved will be held for a period of 5 years or as deemed necessary.
- v. All data provided during an adoption assessment where it is approved post approval but does not proceed to adoption order and prior to an Adoption Order will be held for a period of 6 years or as deemed necessary.

Adoption Agencies (Wales) Regulations 2005 state that all case records will be kept for a period considered appropriate by the agency.

Once an adoption order is made

In accordance with Adoption Agencies (Wales) Regulations 2005 all personal data will be held for 100 years post Adoption Order. This will include both your case record and your child(ren)'s case record.

Children

St David's Children Society receive children's information in line with the Adoption Agencies (Wales) Regulations 2005 (part 5, Regulation 32). Children's information is shared with St David's Children's Society by the five Regional Collaborative Adoption Services in Wales or by the Wales Adoption Register. This information is shared for the purpose of identifying and matching appropriate adopters for children waiting.

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When children's information is downloaded it will be securely stored. The retention of this information will be as follows:

- a) Following reviews by social workers and prospective adopter's children **DO NOT** proceed to be placed the information will be deleted within 3 months of the date saved.
- b) Should a scrutiny meeting take place and the children **DO NOT** proceed to be placed the information will be deleted within 3 months of the date of the scrutiny meeting.
- c) Should a matching panel take place and the children **DO NOT** proceed to be placed the information will be deleted within 3 months of the date of the matching panel.
- d) Should a disruption take place it is at the discretion of the agency to agree the retention of information and this will be agreed with the local authority.
- e) In relation to the Adopting Together project should children's referral information be received that does not proceed to a match or to child specific recruitment then the information will be deleted within 3 months.
- f) In line with Adoption Agencies (Wales) Regulations 2005 children's information will be stored for 100 years following an Adoption Order.

Contacting us to access to personal data

You have the right to request a copy of the information held on you by the agency. We have a separate policy on **Subject Access Requests** for this process.

To request a copy of your personal information, contact us on info@stdavidscs.org. You will be expected to provide proof of identity. Insofar as the law permits, however, we reserve the right to refuse to provide you with information. In this eventuality we will give you reasons for this refusal.

If inaccurate data is held, you can request that it be updated, unless the information is third part or gathered as part of a safeguarding process.

A Subject Access Request is free of charge. Should a request be manifestly unfounded, excessive or repetitive the agency maintains the right to charge a 'reasonable fee' or to refuse to respond with full explanation. A fee may also be charged if to comply with further requests for the same information. The fee charged will be based on the administrative costs of providing the information.

Information will be provided without delay and within 30 days of the request. In the case of complex or numerous requests the period of compliance will be extended to a maximum of a further 60 days. In this instance the individual will be informed within one month of the request with explanation of extension.

Any request for a Subject Access Request must be passed to the CEO as Data Controller with immediate effect. The data controller will make a decision as to what information can (if any) be shared or deleted.

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Adoption records fall under the jurisdiction of the Adoption Act which has a records retention policy of 100 years for adoption records, this overrides the data protection legislation. However, you can request current contact details are deleted or that you are not contacted for marketing or fundraising purposes.

If you have any other questions or concerns about our privacy statement and practices please contact us at info@stdavidscs.org

Complaints Procedure

If you do wish to make a complaint about our use of your personal data contact Information Commissioners Office (ICO) www.ico.org.uk