

**March 2022
Management Circular 22**

To Heads of all Educational Establishments

Guidance on Legal Request for Disclosure of Information

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1. INTRODUCTION AND CONTACT DETAILS:

From time to time, legal issues affecting school children and young people arise and Heads of Establishment may feel uncertain as to the most appropriate method of handling the situation. It is difficult to cover all eventualities and any Head of Establishment or teacher becoming involved in any of the matters covered below, or in similar matters, should not hesitate to seek guidance on the following from:

FOLLOW THE PROCEDURES:

Information should **not be released** to any agency / officer until the correct process has been followed and authorisation / advice has been provided by the Head of Establishment from the Area Lead, Legal Team or Information Management Team.

The only exception is where the request is urgent and requires an immediate response. In those circumstances contact should be made with the relevant officer. If you are in doubt as to who you should contact, you should speak to the Legal Team.

1.1 Court orders / citations / litigation:

Legal Services, Chief Executive's Department
City Chambers, George Square, Glasgow G2 1DU
Email: louise.mchugh@glasgow.gov.uk

Legislation: Various
Details: Refer to Section 4, 5 and 6

1.2 Police enquiries / requests:

Legislation: Data Protection Act 2018, Schedule 2, Part 1, Paragraph 2
Details: Refer to Section 7

Police Officers **do have the authority to seize evidence**, however, Heads of Establishment are required to follow the procedures. The exception again is where the request is urgent. This should be confirmed in writing by the Investigating Officer (by email using the Council's Schedule 2 form) prior to the release of information.

1.3 Solicitor's request relating to Court proceedings:

Legislation: Data Protection Act 2018, Schedule 2, Part 1, Paragraph 5
Details: Refer to Section 8

1.4 Children's reporters request:

Legislation: Children's Hearings (Scotland) Act 2011, Section 66(3)
Details: Refer to Section 9

1.5 Immigration Cases:

Legislation: Various
Details: Refer to Section 10

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All requests under 1.2, 1.3, 1.4 and 1.5 to be referred to:

Information Management Team
Chief Executive's Department
City Chambers, George Square, Glasgow G2 1DU
(e) dataprotection@glasgow.gov.uk

1.6 Request for copies of records under Article 15 UK GDPR (From solicitors or individuals such as parents / guardians / child)

Often referred to as Subject Access Requests.

Legislation: Article 15, UK GDPR.

Details: Refer to Section 2
Refer to MC 64

Subject Access Request, on behalf of Education Services are dealt with by the:

Information & Data Protection Team
Chief Executive's Department
City Chambers, George Square, Glasgow G2 1DU
(e) FOI_CCT@glasgow.gov.uk

2. UNDERSTANDING LEGISLATION:

In this section we provide an overview, in brief, of the legislative duties the Council is required to meet in respect to request for information.

2.1 COURT ORDERS / LITIGATION / CITATIONS

The legislation for these requests may vary depending on the circumstances involved and the content of the case. For example, it may be related to Family Law or Child Safety etc. Please refer to the Sections 4, 5 and 6 for more information on the specific process.

2.2 DATA PROTECTION ACT 2018 - LAW ENFORCEMENT (Schedule 2, Part 1, Paragraph 2)

These requests can be from the Police, HMRC or any agency with a law enforcement, investigation function. A request under this schedule requires the Council to consider disclosing information where it is necessary for:

- *The prevention or detection of crime.*
- *The apprehension or prosecution of offenders.*
- *The assessment or collection of any tax or duty or of any imposition of a similar nature*

These requests are dealt with centrally through the Information Management Team and may be subject to redactions.

Please refer to procedure in: Section 7

Link to Connect Guidance:

<http://connect.glasgow.gov.uk/article/20179/Requests-for-the-prevention-or-detection-of-crime-Previously-Section-29-requests>

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2.3 DATA PROTECTION ACT 2018 – LEGAL PROCEEDINGS (Schedule 2, Part 1, Paragraph 5)

These requests can be from the solicitors, legal representatives from advice agencies, insurance company etc. A request under this schedule requires the Council to consider disclosing information where it is necessary for:

- *To comply with any enactment, rule of law or order of a court*
- *Any legal proceedings (including prospective legal proceedings)*
- *Obtaining legal advice*
- *To establish, exercise or defend legal rights*

These requests are dealt with centrally through the Information Management Team and may be subject to redactions.

Please refer to procedure in: Sections 4, 5, 6 and 8

Link to Connect Guidance: <http://connect.glasgow.gov.uk/article/20180/Requests-for-information-required-for-legal-advice-or-proceedings-Previously-Section-35-requests>

2.4 CHILDREN'S HEARING (SCOTLAND) Act 2011, Section 66(3)

These requests will come from the Scottish Children's Reporter Administration (SCRA) which has a statutory duty to seek information from a local authority in the execution of the Administration's duties under the Act:

The following sections of the Act apply:

S 66(3) relates to the release of documents / records i.e.:

'The Principal Reporter may make any further investigations relating to the child that the Principal Reporter considers necessary.'

S 66(4), (5) and (6): relates to local authority's duty to provide information:

'(4) The Principal Reporter may require a local authority to give the Principal Reporter a report on—

- (a) the child generally,*
- (b) any particular matter relating to the child specified by the Principal Reporter.*

(5) A local authority may include in a report given to the Principal Reporter under subsection (4) information given to the local authority by another person.

(6) The report may contain information in addition to any information given to the Principal Reporter under [section 60](#).

S 60 relates to the local authority's duty to report concerns:

'Where the local authority considers—

- (a) that a child is in need of protection, guidance, treatment or control, and*
- (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.*

The local authority must give any information that it has about the child to the Principal Reporter.

SCRA requests for access to records / information are dealt with on a case by case basis and may be subject to some redactions.

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Please refer to procedure in: Section 5

Link to Connect Guidance:

<http://connect.glasgow.gov.uk/CHttpHandler.ashx?id=23456&p=0>

<http://connect.glasgow.gov.uk/CHttpHandler.ashx?id=21218&p=0>

2.5 UK GDPR - Article 15 (Subject Access Requests)

An Article 15 request is often referred to as a '**Subject Access Request**' and allows an individual (12 years of age or over), directly or through a representative (solicitor, parent, representative) to request:

- a copy of any records relating to the requester and
- information on how the personal data has been processed.

A child may exercise these rights on their own behalf as long as they are competent to do so. In Scotland, a person aged 12 or over is presumed to be of sufficient age and maturity to be able to exercise their data protection rights, unless the contrary is shown.

Where it is appropriate to do so, these requests are subject to identification verification and redactions of third-party data.

For example, if a 16-year-old pupil with capacity makes a verbal request, directly to their teacher, it would not be proportionate to ask them to then provide proof of ID. When referring the request to the Information & Data Protection Team, you would indicate that identification is not required for the reasons given above.

Please refer to procedure in: Section 2

Link to Connect Guidance:

<http://connect.glasgow.gov.uk/CHttpHandler.ashx?id=39772&p=0>

2.6 REDACTION OF INFORMATION

Redaction is a process where information is '**blacked out**' to obscure the content. Redactions should only be carried out using the appropriate software. The central team managing the requests on behalf of Education have access to the redaction system and can provide this support'.

Third party data, i.e. individuals other than the person related to the information request (data subject) may be considered for redaction. Names of educational staff, health care professionals and social workers are not redacted as these are covered under a statutory instrument requiring that information to be made available when processing a subject access request.

Heads of Establishment, when providing documents for release to the teams mentioned in Section 2 are required to indicate:

- If there is any data of concern, especially where it is sensitive and personal, that may require further consideration before releasing.
- Any individuals who are not educational staff, health care professionals or social workers
- Any third-party data i.e. not related to the pupil.

Information can be highlighted which the Head of Establishment feels should be considered for redaction. The final redactions, if required will be applied by the Information & Data Protection Team dealing with the request and formulating the response.

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3 FURTHER GUIDANCE:

Reference should also be made in appropriate circumstances to the following Management Circulars:

No. 11	-	Children's' and Young Peoples' Progress Records
No. 53	-	Data Protection Guidance
No. 57	-	Children and Young People Welfare and Safety
No. 64	-	Access to Pupils Records
No. 92	-	Parental Rights and Responsibilities.

In the following sections, we provide additional information on how to process the different types of requests that can be received.

4 COURT ORDERS / WITNESS STATEMENTS

4.1 A solicitor / Procurator Fiscal may seek copies of records or statements from any member of staff at the establishment as part of an ongoing court case. This request is usually provided in writing, accompanied with details of the court proceedings, (i.e. Court Writ Court Writ, certificate and schedule of documents). The witness may have received a citation too of the.

Procedures in civil proceedings are different to criminal proceedings. The first may result in a request from a solicitor whilst the second may come from the Police / PF or agency with law enforcement duties.

Note where the request does not include a Court document, please refer to the Information Management Team in the first instance. The team can provide assistance and advice or, if appropriate, deal with the request under Schedule 2 of the Data Protection Act 2018 – refer to Section 1.4 above.

- 4.2 A witness may have received a citation too at the same time as papers are sent to the establishment / Education Service. Where the citation relates to the individual's duties as a Council employee, they should seek advice from their Manager and Legal Team as noted in Section 1.1.
- 4.3 The Council's position is to respond to these requests as quickly as possible. Refer the correspondence (Court Write etc.) immediately to the legal team as noted in 1.1 above.
- 4.4 Sometimes courts will appoint a solicitor to produce a "Child Welfare Report". These appointments are usually made in the Sheriff Court who will issue a Form (F44) which states the extent of the solicitor's powers. Head of Establishment should ask for a copy of the form and contact the Legal Team for further information and assistance.
- 4.5 Courts can grant a "Specification of Documents" which would require you as the "haver" to produce documents at short notice (usually within 7 days). Please contact Legal Team immediately if you receive such a request. They will assist the school when a specification of documents has been received.

5 CITATIONS TO ATTEND COURT

- 5.1 A teacher may receive a citation to attend an Education Tribunal, a General Teaching Council (GTCS) hearing or as a Court witness in a criminal case, a civil case or a case initiated by the Reporter to the Children's Panel. If further information is required, they should not hesitate to contact Legal Services and a Solicitor will endeavour to assist them.

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- 5.2 If a teacher is cited to attend as a prosecution witness (in a professional capacity) in a criminal case, the citation will usually be in the name of a Procurator Fiscal and served on the teacher by a Police officer. In these cases, no minimum period of notice is required, and indeed sometimes only very short notices will be given. If the teacher is required as a defence witness in a criminal case, intimation will probably be sent to the teacher by a Solicitor for the defence.
- 5.3 In civil cases, whether in the Court of Session or the Sheriff Court the citation will be served personally by a Sheriff Officer or by post.
- 5.4 Where the citations are served by the Sheriff Officer, they can be asked the name and address of the Solicitor who instructed them to serve the citation. Where the citation is by post the Solicitor's name and address should appear on the backing of the citation. In some cases, the Solicitor's name given will be that of an individual and not of a firm of solicitors which may make it difficult for the teacher to contact the Solicitor. In these cases, Legal Services section, if contacted, will try to assist.
- 5.5 The teacher concerned may either contact the Solicitor direct to find out what is required of him/her and thereafter consult Legal Services section or contact Legal Services section before taking any further action.
- 5.6 Attendance at the Court specified and at the time specified is mandatory. If you consider that there are medical grounds supported by a medical certificate or other very exceptional circumstances for not attending, you must contact the Court and the solicitor who cited you to attend court immediately. They will tell you what to do next. You must attend court unless you have been excused. It is a criminal offence not to attend when cited
- 5.7 It is possible that a teacher will receive a citation to attend as a witness in civil cases without having had some earlier communication with the Solicitor concerned but it is unlikely because the Solicitor would not know what the teacher is likely to say in evidence.
- 5.8 Where a citation for a civil case is received, with or without prior communication with the Solicitor, the person cited may be able to contact the Solicitor concerned to find out if it is possible to minimize the time spent in the court building. For example, the person may be cited to attend on several days. The solicitor who cited the witness may be able to be more precise. If they cannot provide specific dates the witness must attend court on the dates stated in the citation. Failure to attend court when cited is an offence .

6 LITIGATION AGAINST GLASGOW CITY COUNCIL / EDUCATION

- 6.1 Correspondence relation to litigation against Glasgow City Council, the service, establishment or education staff should be referred to the legal team immediately.
- 6.2 Correspondence relating to litigation between other parties where the Council, establishment or educational staff are required to provide evidence or any other assistance, can be referred to the legal team who can provide general support but will not be able to discuss the specific cases. Contact details for the legal team is in Section 1.1.

7 POLICE ENQUIRIES

Police officers, in plain clothes or uniform, may attend or contact the school for a general enquiry, or to request access to or copies of records relating to a pupil, staff member or parent/guardian.

Report all requests to the Information Management Team as noted in Section 1.4 above.

7.1 IDENTIFICATION

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A person appearing in uniform or civilian clothes and purporting to be a Police officer should always be asked to produce his/her Police identification card.

The name, PC number, date, time and nature of request should be noted by the Head of Establishment in his/her records and, if appropriate, within the pastoral notes if the request relates to a pupil.

If police officers are seeking information as part of an enquiry, they must be informed that they required to complete a "Crime and Taxation Request Form". The form must be signed by appropriately ranked police officers (defined on the form) and returned to the dataprotection@glasgow.gov.uk mailbox.

A copy of the form is available at:
<http://connect.glasgow.gov.uk/CHttpHandler.ashx?id=41679&p=0>

Information should not be released to an attending officer until the correct process has been followed and authorisation given to do so via the Area Lead or Information Management Team.

Once the form is received, the Information Management team (who manage police requests on behalf of Education Services) will notify the Head of Establishment of the request and provide instructions on how to proceed

The only exception is where the Police indicate the request is urgent and requires an immediate response. I.e. where the police do not have time to complete the form and wait for the process to be completed and require the information to prevent crime and harm.

7.2 RELEASING INFORMATION

The Council can consider releasing the information under Schedule 2 of the Data Protection Act 2018; however, this must be within the parameters of the request.

Third party data (except for teachers, social workers or health care officers' names etc.) will be considered for redaction; we will also look to exclude information where it does not fall within scope of the request.

Where redactions are required, the Information Management Team can assist. The Head of Establishment is to provide copies of the records requested, in PDF format, to the Information Management Team with a note of any redactions to be considered by the Information Management Team. Refer to Section 2.5.

A formal response to the Police will be issued via the central team.

Where the request is minimal (i.e. name and address of an individual), the Information Management Team will advise the Head of Establishment to provide the information to the named officer as noted on the "Crime & Taxation Form". A copy of the completed request form will be provided to the Head of Establishment for their records.

7.3 IMMEDIATE / URGENT REQUESTS

There will be occasions where the information is required urgently in order to locate an individual or engage with an adult/pupil to inform them of an incident.

Head of Establishment should contact their Head of Service or, if additional guidance is required, contact their Area Lead / dataprotection@glasgow.gov.uk
These requests should be recorded, as indicated in Section 7.1 and 7.2.

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Where this is an urgent request for information required to prevent harm or loss of life, the request should be in a permanent format i.e. by email to the Head of Establishment and cc'd to the dataprotection@glasgow.gov.uk.

7.4 INVESTIGATION OF INCIDENT NOT CONNECTED WITH SCHOOL

7.4.1 In the course of their duties, the Police are required to investigate crime, to establish the identity of the person committing the crime, and to find witnesses. In normal circumstances, the Police interview a child or young person only in the presence of his/her parents/carers and, therefore out with school hours.

7.4.2 However, there may be special circumstances where, in the interests of justice, it is necessary for the Police to interview a child or young person without delay. Those circumstances would be where the information is needed in:

- prevention of harm or loss of life
- the investigation to detect or prevent a crime which is time sensitive
- the apprehension of offenders, again which is time sensitive.

Ask the officer to confirm where the authority for the request has come from. Please seek further advice from Legal Team if you require support. In normal circumstances both a parent/carer/guardian and solicitor would be contacted first.

A written request, using the Council's Crime & Taxation form, can be obtained immediately without delaying the information search and disclosure process, in line with advice from the Legal Team or/and team at dataprotection@glasgow.gov.uk.

Please follow the authority checking process noted below under 7.4.3.

7.4.3 If the Police have reasonable grounds to suspect that a child or young person has committed an offence, the child has the right to have a solicitor present. If they state that exceptional circumstances exist which mean that they need to interview without delay in the interests of:

- the investigation to identify crime / the prevention of crime or
- the apprehension of offenders

The authorisation should be in a written format, preferably using the Council's Crime & Taxation form, which is signed by both the attending and authorising officers. In exceptional circumstances email would be acceptable if it has come from:

- recognisable police address
- notes the details of the request (i.e. pupil to be interviewed) and confirms that the interview is required for the purposes indicated above. (i.e. detection/prevention of crime etc.)

An officer with rank of sergeant or above who has not been involved in investigating the offence about which the person is to be interviewed can decide that those circumstances exist. The attending officer may have to contact their Division for authorisation by a Senior Officer.

Where an email request has been received by the Head of Establishment, a copy should be sent to the dataprotection@glasgow.gov.uk to record and provide assistance, if required.

Further information on the procedures followed by Police Officers can be found in the Criminal Justice (Scotland) Act 2016 (Arrest Process) – SOP, Section 3 (Children). SOP Link: <https://www.scotland.police.uk/spa-media/dvlnu5og/criminal-justice-scotland-act-2016-arrest-process-sop.pdf>

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For further information and support, in the first instance, refer to the Campus Police Officer.

- 7.4.4 If Police arrive at a school to interview a child or young person who is a suspect or a witness, the Head of Establishment should ask for identification (refer to 4.1) and ensure the request is in writing. Then the opportunity to try to contact the parent/carer. If the Police agree to this, then the Head of Establishment should co-operate with the Police as to the safe custody of the child or young person concerned until the parent/carer arrives.
- 7.4.5 If circumstances are such that it is not possible to contact the parent/carer, or if the Police insist that the parent/carer is not present, then the Head of Establishment should clarify if the matter is or is not urgent. Where the matter is urgent, the interview of the child or young person by the Police should take place in the presence of the Head of Establishment or such other teacher as may be delegated by him/her.
- 7.4.6 If any child or young person is interviewed by the Police in school without the presence of the parent/carer, the Head of Establishment should immediately advise the parent/carer concerned unless the police state that this would not be appropriate.

For example, there may be circumstances where the parent is the subject of investigation, such as the case of suspected child abuse. The role and response of Education Services are detailed in Management Circular No. 57.

If in doubt regarding any of the above guidelines do not hesitate to contact Legal Services.

7.5 DISCLOSURE OF RECORDS

During an interview or attendance at the school the Police may request copies of records. The request must be made in writing through the Council's Crime and Taxation form as per Section 7.

Where the matter is urgent, the Head of Establishment should provide the form, ensure it is completed and provide the information requested.

Any document with third party data, let the officer know the information must be reviewed and a redacted copy will be provided by email. Then send a copy of the form to the Information Management Team (Refer to Section 2.5)

In some cases, third party data (i.e. people engaged with the pupil/person of interest) may be relevant to the Police enquiry, therefore redactions are limited. The Information Management Team can engage with the Investigating Officer and determine the level of redaction required.

Heads of Establishment should inform the Information Management Team if they have any concern at the disclosure of the records or any part of the content.

7.6 INVESTIGATION OF INCIDENTS DIRECTLY RELATED TO SCHOOL

The general principles regarding the taking of statements set out in the paragraphs above.

When incidents directly connected with school are being investigated, it is particularly desirable for the Police to interview a child or young person in the presence of the parent/carer or any member(s) of the teaching staff who are not directly involved in the incident or are witnesses.

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8 SOLICITORS REQUESTS

8.1 Teachers are expected and encouraged to give regular written reports to parents/ carers of the conduct and progress of children or young people. Details of the procedures to be followed with respect to access to children's educational records are contained in Management Circular No. 64.

8.2 Apart from the routine reports to, and the request to see children's records from parents/carers, teachers may be asked for a statement in relation to a child or young person. Such statements would be requested to prepare for a court action and can result in a citation to attend a court as a witness in a case such as divorce or contested residence/contact. Teachers are usually asked to provide professional views in their capacity as educationalists. If they do not believe that they have the expertise to respond to a question they should state this. (See 4.1 above)

8.3 REQUESTS FOR WRITTEN REPORTS / ACCESS TO RECORDS

8.3.1 **Solicitor acting on behalf of one or other parent in question for legal proceedings.**

Request from solicitors for witness or expert statements or information in preparation or ongoing legal proceedings are dealt with by the legal team. (Section 1.1)

8.3.2 **Solicitor acting on behalf of a child for legal proceedings**

Where a child is twelve years or older and he/she is deemed to have the capacity to understand the management of their personal data, they may request access to their information through a representative or directly in the contemplation of legal proceedings or relating to an ongoing Court case.

These requests should be referred to the Information Management Team (Section 1.4) and the legal team should be informed of the case to ensure they are aware of the litigation.

Where a child is at least 12 years of age or does **not** have capacity to understand the management of their personal data or the implications of requesting access to that data – the request should be referred to the Legal Team in the first instance. Contact details 1.1 above.

8.3.3 **Solicitor seeking unspecified records on behalf of client.** (Not related to legal proceedings).

Where the solicitor has not specified the request relates to legal proceedings and the request is for copies of the pupil's records or are acting on behalf of a parent / guardian or carer etc.

These requests can be dealt with as:

- Request for pupil's records under Education Records Regulations if the request does not include records with personal data. I.e. is for copies of records that you would normally release to the parent / guardian (annual reports etc.).
- Where the records are for documents containing personal data (i.e. pastoral notes) which would not normally be released, this request can be dealt with Article 15 of the UK GDPR. This is often referred to as a Subject Access Request.

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Solicitor is required to provide a mandate signed by their client (parent / child / guardian) authorizing the release of specified information.

Please see MC53 and MC64 for further information.

8.3.4 Solicitor's requesting statements

If the Solicitor is seeking a statement from a member of staff the staff member should be extremely careful where the request does not relate to legal proceedings or the contemplation of legal proceedings. If In doubt as to how to proceed, please seek advice from Legal Services.

8.4 SOLICITOR'S REQUEST FROM PARTIES OTHER THAN PARENT / GUARDIAN.

The other set of circumstances whereby reports, or statements could be requested is when Solicitors are acting for a third party other than the child/ parents/guardians.

8.4.1 Where the request relates to **ongoing or the contemplation of legal proceedings**, no information should be given to the Solicitor and the request should be referred to the dataprotection@glasgow.gov.uk mailbox (Section 1.4 - to be progressed under Schedule 2 of the Data Protection Act 2018).

8.4.2 Where the request does not indicate legal action, no information should be provided and the request should be referred to the Information & Data Protection Team at FOI_CCT@glasgow.gov.uk.

8.5 SOLICITOR'S REQUEST FOR STAFF INFORMATION / RECORDS

Where a solicitor requests information on an officer in Education, the request should be dealt with by someone other than the named officer. The following process should be followed:

8.5.1 Solicitors acting on behalf of the named Education Officer:

This is dealt with as a Subject Access Request and is dealt with by the Information & Data Protection Team (Section: 1.6).

8.5.2 Request for information in relation to the contemplation of legal proceedings or current legal proceedings.

Are dealt with through Schedule 2 of the Data Protection Act 2018, by the Information Management Team (Section 1.4).

If the request relates to action against Glasgow City Council, the Head of Education should ensure the Legal Team are made aware of the action in addition to processing the request to the relevant team, as indicated above.

9. CHILDREN'S REPORTER REQUESTS

9.1 REPORTING CONCERNS REGARDING CHILD WELFARE.

Under the Children's Hearings (Scotland) Act 2011, (Section 60), Glasgow City Council is required to make a report to the Scottish Children's Reporter Administration (SCRA) following an investigation where there is a concern for a child's welfare and safety.

9.2 REQUEST FOR INFORMATION FROM SCRA

Head of Establishments may receive a request for access to a pupil's records from the Principal Reporter (SCRA) under Section 66(3) of the Act where the information is required for a case that the SCRA may be in the process of investigating.

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9.2.1 Processing a SCRA request.

Requests must be made in a permanent format i.e. email or letter. Once received the request should be forwarded to the Information Management Team (refer to 1.4 above) who will log the request and process the appropriate forms to the SCRA.

A copy of the form given to the SCRA for releasing records is provided an appendix to this document

9.2.2 Proceeding with request.

Once the SCRA form has been processed the Information Management Team will send the Head of Establishment a formal notice with instructions on how to proceed.

Where the information requesting is of concern or sensitivity, send a copy to the Information Management Team with a note of the issues involved and they will provide advice.

The Reporter has a statutory duty which requires access to the information as part of their investigation, as such, redactions may not be required in most cases. Guidance on redactions will be provided within the formal note.

9.2.3 Releasing information

Where the information requested is straight forward and brief, a response template will be provided to the Head of Establishment, along with a copy of the SCRA form. The Head of Establishment will fill in the response letter, save as a PDF and send the same to the SCRA officer named on the form.

The response should be also be sent (bcc) to the dataprotection@glasgow.gov.uk mailbox as confirmation that the request has been completed.

10. IMMIGRATION REQUESTS

The Home Office or an Immigration Service may request information on a child or family in respect of an application for the right to remain or any other immigration status.

These requests are dealt with the same way as Police / SCRA or solicitors request i.e. the request must be validated prior to any information being released and due consideration of redactions and the sensitivity of the information to be made prior to disclosure.

Any request for information from an Immigration Service must be in a permanent format i.e. email, letter or by use of the appropriate Council form.

No information should be released before the request has been processed though the Information Management Team. The Head of Establishment should refer the request as soon as it is received to the dataprotection@glasgow.gov.uk mailbox for processing.

A formal notification will be sent to the Head of Establishment, with instructions on how to proceed, Once the appropriate forms have been received.

11. PARENTAL / CARER DISPUTE REGARDING THE EXERCISE OF PARENTAL / CARER RIGHT AND RESPONSIBILITY.

11.1 Heads of Establishment and their staff will probably become aware of cases where there has been a separation of parents/carers. Further information is available in MC92.

11.2 In any case where a Head of Establishment or teacher has reason to believe that there has been some estrangement between parents/carers and a stranger arrives, purporting to be a

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parent/ carer, demanding to see a child or young person, it should first be ascertained that this person is, in fact, a parent/carer. He/she should be asked to produce some photographic evidence of his/her identity, for example, a driving licence or passport. To establish if the person has parental rights and responsibilities you will need to see a copy of the **full** birth certificate or court order granting same.

Further information is available in MC92.

- 11.3 If the Head of Establishment or teacher is satisfied that the person is, in fact, a parent with parental rights and responsibilities (or a person that person with PRRs have confirmed as their representative) or a person who has contact or residence in terms of a court order, the teacher cannot, refuse the parent/carer normal access to the child, or prevent the parent/carer from removing the child or young person unless the parent/carer is under the influence of drink or drugs (in which case if the person persists, the Police should be called), there has been produced to the school, previously, a court order or bail conditions preventing this particular parent/carer from contacting the child, there is another child protection issue or the school are not satisfied as to the identity/status of the individual. It would be important for a Head of Establishment to advise the relevant members of staff of any background information affecting a child within their care.

12. DOCUMENT REVIEW

Following BREXIT there have been several changes to data protection legislation. This document takes into account the implementation of the UK GDPR and amendments to the Data Protection Act 2018. Further amendments or new legislative tools are expected and will be incorporated accordingly.

An annual review of this document will take place in October each year or, where there has been a substantive change to data protection legislation and interim review will be conducted and revisions made.

APPENDICIES:

Subject Access Form: <https://www.glasgow.gov.uk/index.aspx?articleid=21807>

Douglas Hutchison
Executive Director of Education Services

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