FREEDOM OF INFORMATION REQUEST – 1074/18

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request/ Response:

Following the introduction of the GDPR, can anyone please advise on the circumstances in your Authority when:

1. Written consent of a child (aged 13+) is sought (in addition to that of their parent)?

Answer: This would be assessed on a case by case basis by a social care professional (with support from the Council's Data Protection Officer if required). Consent of a child under article 6 (1) (a), will need to meet the same standards as applies to adults, the Council (controller) must be satisfied that the child is capable of ‘freely’ giving consent. The Council does not hold a list of situations were written consent of a child (aged 13+) is sought (in addition to that of their parent)?

2. When the consent of a child (aged 13+) might be considered to override that of the parent?

Answer: Please see the answer to question 1

3. What situations you would consider using a ‘Lawful Basis’ other than ‘consent’ for processing information?

Answer: When processing personal data each situation would be assessed individually and the appropriate lawful condition(s) set out in Article 6(1) GDPR would be followed. The Council does not hold a list of the situations we would consider using a ‘Lawful Basis’ other than ‘consent’ for processing information.

4. And when processing personal (‘Special Category’) information or ‘Criminal Data’, how often and under what circumstances you use a ‘Condition’ under Article 9(2) GDPR such as ‘…provision of health and social care’ as an alternative to ‘Explicit Consent’?

Answer: This would be assessed on a case by case basis by a social care professional, with support from the Council’s Data Protection Office. The Council does not hold a list of how often and under what circumstances you use a ‘Condition’ under Article 9(2) GDPR such as ‘…provision of health and social care’ as an alternative to ‘Explicit Consent’.
A freedom of Information request covers information that the Council records, I have sent your enquiry to the Childrens Social Care department who will respond to you if they have any information to add outside of the Freedom of Information process.

If you are dissatisfied with the handling of your request please contact the Data Protection Officer, Rutland County Council, Catmose, Oakham, Rutland LE15 6HP
You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House, Water lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700

Yours faithfully

FOI Administrator
Business Support Team
Rutland County Council