



# Privacy Notice

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## Background

The [Children Act 2004 makes provision for](#) Cafcass Cymru, on behalf of the Welsh Ministers, to provide a statutory service to advise the Family Court on how best to promote and protect the best interest of children and young people in Wales who are subject to family court proceedings

## What information do we collect?

We collect and use your personal information when it relates to family court proceedings.

In order to fulfil our statutory role in providing advice to the court, when appointed to do so, we receive from Her Majesty's Courts and Tribunal Service (HMCTS) personal information about applicants, respondents and children involved in family proceedings in the form of completed application forms that are submitted to the Family Court.

We also collect additional information where it is relevant to the family court proceedings. The information we collect and use can, therefore, include:

- Your personal details such as name, address, email address, telephone number(s), date of birth.
- Diversity information such as gender, language, ethnicity, religion, any disabilities.
- Criminal record information: from the Police National Computer.
- Local authority record information, including from children's services; and
- Health information: GP records and other health information.

## Why do we collect this information?

We collect this information in line with our legal obligations under the Children Act 2004 so we can advise the Family Court on the best course of action for children in Wales and to ensure children's needs and best interests are addressed. The functions the Children Act 2004 provides for are:

Part 4 s35 Functions of the Assembly relating to family proceedings

(1) In respect of family proceedings in which the welfare of children ordinarily resident in Wales is or may be in question, it is a function of the Assembly to—

(a) safeguard and promote the welfare of the children.

- (b) give advice to any court about any application made to it in such proceedings.
- (c) make provision for the children to be represented in such proceedings; and
- (d) provide information, advice and other support for the children and their families.

We process your personal data under the authority of the following conditions of the UK General Data Protection Regulation (UK GDPR):

- Article 6(1)(c) the processing of your personal data is necessary for compliance with a legal obligation to which the controller is subject; and
- Article 9(2)(b) the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

We collect your diversity information in conjunction with the Equalities Act 2010 to better understand and apply equality and diversity considerations in our work. It is your choice whether you share this information with us: you don't need to provide this information if you do not want to.

### **Where do we collect this information from?**

We collect this information primarily from court application documents, but we will add to this information during our involvement with your case. We will do this through interviews with you - which may be face-to-face, telephone and/or via video-calling - where the reasons for the discussion will be clearly explained.

We will also receive information from other parties on the case and also any other person the practitioner considers it necessary to speak to.

We will also obtain, as part of our safeguarding work, information from other agencies, such as local authorities and the police. This is obtained in line with the arrangements set out in the [Child Arrangements Programme](#) (paragraph 13.3).

During the course of the case, we may be required to collect information from other agencies or professionals such as your GP, experts appointed to your case (such as psychologists), solicitors or your child's school. If this is the case, your consent will be sought for these, but if you refuse this, a court direction may be sought.

If so required or ordered by the court, the transfer of cases from England to Wales, or vice versa, will involve relevant case-related information moving between Cafcass (England) and Cafcass Cymru (or vice versa), in line with the current working agreement. This transfer will be conducted using a secure transfer method, such as secure government email. Following the transfer, the receiving organisation will then become the data controller for the information.

## **What do we do with your information?**

Primarily we use this information to give advice to the court and will often make written recommendations to the court in a letter and/or a report. We will also use it to respond to complaints.

We will use the diversity information to shape our service delivery, to help us understand the equality and diversity needs of people who use our service and to inform our service development. In relation to your case, this also enables us to identify additional needs and requirements, such as translation and interpretation, enabling us to provide our services appropriately and to manage our practice effectively.

We will also use the information collected to produce statistical analysis and management information outputs that are used to monitor and improve the performance of our service.

We will also use this data to inform, influence and improve family justice policy. We may do this alone or sometimes we will share information with third parties for statistical and research purposes in connection with family court proceedings. We will review any such sharing on a case-by-case basis, but we will always do this in line with our obligations under the UK GDPR. All such statistical, analytical and research work is carried out in a way that ensures individuals (adults, children and young people) cannot be identified unless necessary. In all cases we will only publish this in a way which means you cannot be identified.

As part of our ongoing quality assurance programme, we may contact you when the court proceedings have ended to obtain feedback on our services or to ask whether you would be willing to take part in research: we undertake to improve the service we provide, or to contribute to the wider development of the family justice system in Wales and England. Any such involvement will only take place following your consent and there is no obligation to participate.

For the following activities, we will process your personal information in the same way as the Welsh Government does (to find out more about how this is processed, please refer to the [Welsh Government Privacy Notice](#)):

- Chief Executive's Correspondence.
- Complaints about our staff.
- Engagement activities, including stakeholder events and working groups.
- Our website; and
- Freedom of Information and Data Subject Access requests.

## **Who will we share your information with?**

Working within The Children Act 2004, we will share your information with the court and may also share it with the other parties involved in the case. In most circumstances, we are not able to share it further, even with your consent, as information relating to proceedings can only be disclosed with the permission of the court.

However, where it is required for the furtherance of safeguarding children and adults, we will share it with other agencies, such as local authorities and police forces, and/or professionals, such as solicitors and expert witnesses.

In the case of children and young people this is in accordance with the [Family Procedure Rules 2010](#) (see section 12.73). In these circumstances we consider it good practice to seek the consent of the individual or person with parental responsibility before sharing the information but there are situations where this is not possible or appropriate. For example, in immediate safeguarding situations, under UK GDPR Article 9(2)(c), information can be shared legally without consent to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

#### *Commissioned Services*

If the court orders the parties of a case to attend a contact activities programme (*Working Together for Children*, supervised or supported contact) we will share your name and contact details with the relevant provider to facilitate your attendance. If required, we may also provide a risk assessment based on the details of the case and the risk of harm to the child(ren) and parties. This would contain details relating to issues such as domestic violence (allegations or evidence) and threatening or controlling behaviours.

#### *DNA testing*

The court may order us to facilitate the collection of a DNA sample as part of the proceedings. If this is required, we will facilitate the taking of a DNA sample which we then send to an approved Government-contracted third party via a secure transit method for processing. We will share the following information with that third party so they can provide a report to the court:

- Name, address, date of birth and photographs (to confirm identity).

We do not receive the reports or any test results from the third party as they are sent directly to the court.

#### *Research*

The Children Act 2004 (Part 4 s41), the Social Services & Well-being (Wales) Act 2014 (s184) and the Family Procedure Rules (Practice Direction 12G) allow us to share information with certain third parties, including other government departments who are conducting research projects. This is to monitor the effectiveness of family court proceedings, to help develop policy and good practice and to monitor compliance with key performance indicators (KPIs).

Subject to approval from the Welsh Ministers and the President of the Family Division, we may share your case information with individual researchers in support of approved research projects. Individual researchers will be required to work within our data governance arrangements and there are appropriate safeguards in place to meet data protection requirements. In all cases, information is anonymised before any research is published so you cannot be identified.

Anonymised information may be published in the form of research findings, statistics on our website or the StatsWales website, and in our annual report, as well as shared with others in the family justice system.

### **How long do we keep your information?**

We keep relevant case information until the youngest child involved in the proceedings reaches 35 years old, in line with our records retention schedule.

At this point the personal and special category data will be destroyed but the remaining data will be stored for use in research, analysis and management information – this data will be completely anonymised.

### **How do we keep your information secure?**

We keep information on our secure electronic case management system called IRIS, and our electronic document and records system called iShare – and in secure archives.

We will always use the most appropriate and secure method available to us when we send correspondence containing sensitive information. This includes using secure track and trace postal services, verified email addresses, electronic secure email, such as government secure email and Objective Connect.

## **Your rights in relation to your information**

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You have the right:

- to access the personal data that we are processing about you.
- to require us to rectify inaccuracies in that data.
- to object or to restrict (in certain circumstances) to processing.
- for your data (in certain circumstances) to be 'erased'; and
- to lodge a complaint with the Information Commissioner's Office (ICO) who is the independent regulator for data protection.

### **Access to information we hold about you**

You have the right to ask for and receive a copy of the information Cafcass Cymru holds about you – this is called a Data Subject Access Request (DSAR). We aim to provide this information to you within 28 days.

Please note that while most DSARs will not incur a charge we may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. We may also charge a reasonable fee to comply with requests for

further copies of the same information. In all such occasions we will provide the reasons for charging along with a breakdown of incurred costs.

### **Rectifying inaccuracies in the information we hold about you**

You have the right to ask us to correct any inaccuracies in the information we hold about you.

If you feel any of the information we have recorded about you is not correct or is out of date, please contact your practitioner. Following a review of the information we hold, we will either amend the information in question, or note it is contested and provide the reason(s) for this.

This does not relate to issues regarding the accuracy of reports that have been filed with the court. If you have concerns with the accuracy of reports, they must be raised with the practitioner allocated to your case. If you are not content with the outcome of your discussions with the practitioner, you should then raise it with the Judge during the proceedings.

### **Restricting the processing of your information**

In some circumstances you have the right to restrict us from processing your personal information. If you believe you are able to exercise this right, you can request we restrict our processing activities, either verbally or in writing, while we consider this and respond to you within 28 days.

### **Requesting we erase the information we hold about you**

We process most of the information about you in line with our legal obligations (our lawful basis). If you believe you are able to exercise the right to erase the information we hold about you, you can request that we erase the applicable information, either verbally or in writing, and we will consider this and respond to you within 28 days.

### **How to contact us in relation to your rights under the UK GDPR**

If you have any questions about the information we hold about you, how we use it or you would like to exercise any of your rights under the UK GDPR, please contact us via the details below:

- Information Asset Owner  
Cafcass Cymru  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
Email: [CafcassCymru@gov.wales](mailto:CafcassCymru@gov.wales)

Or

- Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
Email: [DataProtectionOfficer@gov.wales](mailto:DataProtectionOfficer@gov.wales)

If you have any further concerns about how we handle and/or use your information, you can contact the Information Commissioner's Office who ensures organisations comply with data protection laws:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)