PRIVACY NOTICE FOR FAMILIES INVOVED IN 16.4 PROCEEDINGS

NYAS is the Court appointed Children's Guardian and Legal Representative in private law Children Act Proceedings, appointed under Rule 16.4 of the Family Procedure Rules 2010.

Any changes we make to this privacy notice will be posted on this page, so remember to check back again if you are a regular user.

Date of last Update:	Version 1	August 2025

This privacy notice explains how we collect, use, and protect personal data about you and your family as part of our role in representing the children involved in this case.

What Personal Data We Collect

We may collect and use the following personal information:

- Names, addresses, dates of birth, and contact details
- Family relationships and living arrangements
- Health and education information
- Court documents and reports (e.g. CAFCASS, social services, police)
- Views expressed during interviews or assessments
- Any other information relevant to the child's welfare

We receive this information from:

- The court and legal parties
- Local authorities and professionals
- CAFCASS
- Experts
- Police
- You and your legal representatives

Information is usually collected by face-to-face contact, telephone, correspondence or email

Why We Use This Data

We process your information to:

- Represent the child or children's best interests in the legal proceedings
- Understand the family situation and welfare issues
- Communicate with relevant parties and the court
- Comply with our legal duties under the Children Act 1989 and Family Procedure Rules.

Lawful Basis for Processing

Our lawful basis for processing personal data under the UK GDPR is:

- Legal obligation – We are required to act under a court appointment
- Public task – We are exercising official authority and statutory functions
- For special category data (e.g., health), we rely on:
    - Substantial public interest (safeguarding children)

- Legal claims basis

Who We Share Data With

We only share information that is necessary, proportionate, and relevant to the case.

We may share personal data with:

- The Family Court
- NYAS caseworkers
- Legal representatives of other parties,
- the parties if they are self-representing in the proceedings
- Independent experts (e.g., psychologists, doctors)
- The child (where appropriate and age-appropriate)
- Legal Aid Agency due to the child's having been granted a legal aid certificate and Professional cost drafting organisations to prepare the legal aid bill of costs.

How Long We Keep Your Data

We keep case records for 6 years after the youngest child's 18th birthday in line with legal and professional obligations.

How We Protect Your Personal Information

NYAS takes looking after your information very seriously. We've implemented appropriate physical, technical and organisational measures to protect the personal information we have under our control, both on and offline from improper access, use, alteration, destruction and loss.

Whilst we strive to protect your personal information, due to the nature of the internet we cannot guarantee the security of any of the information you transmit to us. With this in mind transmission is at your own risk and we urge you to take every precaution to protect your personal information whilst you are online.

Your Rights

You have rights under the UK GDPR, including:

- The right to access your personal data
- The right to request correction of inaccurate data
- The right to object to or restrict certain uses (in limited cases)

Because we are acting under court instruction and legal obligation, some rights will be limited.

Under the Children Act 1989 and the Data Protection Act 2018 (UK GDPR), once a child is independently represented, NYAS has a duty of confidentiality to the child—not to the parents. This means that documents such as legal advice, correspondence, guardian's reports, or statements made by the child cannot be shared without the child's consent or a specific court direction.

These protections continue even after proceedings have concluded. Parents do not have an automatic right to access the child's legal file or the materials prepared for court. Requests for such information would need to be made through the court, which will consider whether disclosure is in the child's best interests.

Questions or Concerns

You can contact our legal department at legal@nyas.net

NYAS Data Protection Officer (DPO) is responsible for answering any questions you have about this Privacy Notice. The DPO may be contacted by post: Units 1-4 Priory Mews, Monks Ferry, Birkenhead, Wirral, CH41 5AZ, by email: dpo@nyas.net or by phone: 0151 649 8700

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK's supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with any concerns you may have before you approach the ICO, so please do contact us first.