

GUIDE Reporting a child in need and data protection Table of contents	Introduction
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Reporting a child in need and data protection

It is the duty of every person to report a child in need. The purpose of this guide is to encourage everyone to report child abuse and endangering the well-being of the municipality or city government child protection worker or the child helpline 116 111 and, if necessary, the police, who have a legal basis to intervene and the ability to provide help. Throughout the guide, the general term child protection worker is used to denote the official responsible for child protection in the municipality or city government or the Social Insurance Board, regardless of their job title. First of all, the guide is intended for professionals who work with children every day - education, social, healthcare and law enforcement workers - to help them fulfill their obligations arising from the law in reporting and assisting a child's need for help, while observing the principles of personal data protection. Generally, these specialists work in institutions that process personal data, and therefore they must ensure that people's right to privacy is guaranteed. However, data protection principles are not an obstacle to reporting a child in need of help. The guide provides an overview of in which cases, to whom, which information, and using which channels information can be provided about a child in need without the consent of the child and/or his/her legal representative (parent or guardian) and which legal provisions to rely on. Hopefully, the guide will be helpful to anyone who notices a child in need and needs to report it.

#### 45 A child in need. Child at risk

Child in need is a general term used throughout this guide. The law differentiates between the concepts of a child in need and a child at risk of emergency, which is why they are also presented separately here. It is important to emphasize that not only a child in danger needs attention and help, but also other children in need of help. A child in need of help In the case of a child in need of help, his well-being is at risk or suspicion has arisen regarding his abuse, neglect or other situation that violates the child's rights. A child's need for help may also stem from his special social or educational needs, family difficulties, (mental) health

problems, etc. Activities aimed at helping and protecting the child include child protection and network work in the broadest sense, including social services and supports and cooperation between the child, his family and network members who come into contact with the child. Helping a child must be based on his or her individual interests, which are determined by considering all the circumstances and the child's opinion.

**A child in danger** In the case of a child in danger, his life and health need protection. An emergency threat to the child's life and health can arise from the external environment, the actions of others, and the child's own behavior. In the event of an emergency, the child's need for help is so acute that it requires immediate intervention to prevent or stop the danger. To ward off the danger, it may be necessary to quickly transport the child to safe conditions. If the child has been put in danger by his family and it is not possible to ward off the danger in any other way, it may be justified to separate the child from the family.

**Suspicion of committing an offense against a child** (including physical or sexual violence; neglect endangering life and health, etc.) is the basis for initiating criminal or misdemeanor proceedings. Legal basis: § 26 of the Child Protection Act.

**A child in need** A child in need is a child whose well-being is at risk or for whom a suspicion has arisen regarding his abuse, neglect or other situation that violates the rights of the child, and a child whose behavior threatens his own well-being or the well-being of other persons. Example: `The child does not want to go home `The child does not fulfill his school obligations `The child behaves defiantly or aggressively `The child lives alone `The child needs the help of a specialist, but the parent does not admit it, does not know how to ask for help, etc. `The child ran away from home `The child committed offense

**Child in need** **Child in danger** `Legal basis: § 30 of the Child Protection Act.

**A child in danger** A child in danger is a child who is in a situation that threatens his life or health, and a child whose behavior threatens the life or health of himself or others.[...] § 32. Transporting a child in danger to safe conditions (1) A child in danger must be assisted immediately and the situation that endangered the child's life or health must be eliminated. If necessary, a child in danger can be taken to safe conditions until the danger has passed, without asking for the consent of the person exercising custody of the child.[...] Example: `The child is a victim of violence `The child is seriously ill `The child tried to commit suicide `The child is severely malnourished `The child committed a crime

**In need of help** notification of the child and data protection<sup>67</sup> `Legal basis: § 8 of the Child Protection Act.

**Cooperation** (1) In order to ensure the rights and well-being of the child, the authorities of the state and local government units and their officials, as well as public and private legal entities, must cooperate in the planning, financing and implementation of all measures aimed at children, involving children and parents. , persons raising a child, interest groups and the public .[...] § 22 . Obligations of the person raising the child and the

person working with the child[...] (3) The person raising the child and the person working with the child are obliged to seek help when the child needs help and, if necessary, cooperate with the child protection worker or other persons working with the child. [...] § 29. Providing help to a child in need[...] (2) When providing help, network work must be implemented, following the principles of case management in accordance with the procedure provided for in the Social Welfare Act. [...] § 77 of the Police and Border Guard Act. Cooperation with other persons and institutions The police cooperates with other persons and institutions within their competence to prevent, suppress threats to public order and eliminate disorder. Early detection and networking are important foundations of child protection. The network is made up of people who are in close contact with the child, whose observations about circumstances threatening the child are important basic information in child protection work. You have to be able to recognize signs of a child's need for help and dare to report them. Help can be found in the organization's internal guidelines, which contain the organization's operating rules in case of suspicion of a child's need for help. As a result of early detection and notification, it is possible to promptly intervene in the problems of the child and his family and provide the necessary help and support. Providing early help helps prevent the accumulation of problems and the increase in the child's need for help. Reporting a child in need and data protection Early detection and networking in child protection work Police officer: "I want him to be safe, DOES IT?" Teacher: "I want him to do well at school/kindergarten, IS IT OK?" Doctor: "I want him to be healthy, OK?" Municipal or city government child protection worker: "I want him to cope, WILL HE?" Parents: "We want the best for him, CAN WE?" Parents of playmates: "We want our child's concerns to be noticed, DO WE NOTICE THE OTHER CHILD'S OURS?" Child: "I want to be happy and for my family to be okay, BUT..." Example 89

Legal basis: § 27 of the Child Protection Act. Reporting a child in need (1) All persons who have information about a child in need have the obligation to report a child in need. (2) A child in need must be reported immediately to the local government unit or the child helpline 116 111. [...] § 31. Notification of a child in danger of emergency (1) All persons who have information about a child in danger of emergency have the obligation to report a child in danger of emergency. (2) A child in danger of emergency must be reported immediately to the emergency number 112. Every person has a duty to report a child in need of help! Anyone who notices the child's need for help, but does not report it, is responsible for the child's lack of help and protection. Of course, professionals who work with children every day (teacher, coach, doctor, youth worker, youth police officer, etc.) have more information about the possible need for help and protection, as well as the skill and experience to notice it, and their responsibility in communicating such information is also greater. However, all other people, be they random

passers-by, neighbors, relatives, parents of playmates, etc., are also obliged to report. Failure to report cannot be justified by not being sure whether the suspicion about the child's need for help is sufficiently justified, or by fearing that reporting may appear to blame the family or stigmatize the child. In case of doubt, you should always consult with the child protection worker of the municipality or city government or call the child helpline 116 111. The significance of the information and the need for intervention are already determined and decided by the relevant authorities. Reporting a child in need

Reporting a child in need and data protection Example Child protection worker of the municipality or city government Police: "The child wandered alone in the city at midnight. He said that he did not dare to go home because his parents are very evil." Neighbor: "Throwing things, shouting and crying can often be heard from the neighboring apartment in the evenings. Children also live in the family." The parent of a playmate: "The child's cup fell to pieces on the floor on our side. I turned in his direction, startled. He raised his hands in front of his face and shouted "Please don't hit me". Doctor: "The child has been to the reception with several traumas. I doubt whether the traumas were caused by the child himself." Municipal or city government child protection worker School: "The physical education teacher noticed blue marks on the child's lower back." 1011 Notify the municipality or city government or the child helpline 116 111 and, if necessary, the police

When noticing a child's need for help, it is important to report it to the municipality or city government or the child helpline 116 111 and, if necessary, the police. You can contact a specific child protection worker in the municipality or city government or a police worker in the police prefecture directly. These are network members who have a legal basis to assess whether a child needs help and to intervene and provide help if necessary. Who to turn to depends on the nature and severity of the factors endangering the child. Notification of a child in need and data protection In certain cases, it is necessary to contact the police as a first priority, especially in cases of great danger and violations of the law. Child protection units have been established in the crime bureaus of the Northern, Southern and Eastern prefectures of the Police and Border Guard Board. Crimes against children are processed by investigators from police stations in the Western prefecture. Every prefecture has youth police officers, who primarily deal with preventive activities aimed at children and solving problems. When the circumstances of a crime appear, the police and the prosecutor's office are obliged to carry out criminal proceedings. The prosecutor's office manages the pre-trial proceedings, ensuring its legality and effectiveness, and represents the state prosecution in court. If necessary, the child protection worker is guided by the person in charge of the municipal or city government's helpline. The child protection worker of the village or city government is the hub of the network surrounding the child and the main aggregator of information about the child's need for

help. On the basis of the information given to him, a comprehensive picture of the child's need for help and the most suitable methods of intervention is formed. The municipality or city government has the ability to provide the child and his family with the necessary counseling, social services, social benefits or other assistance and, if necessary, to organize foster care for the child if the child is separated from the family. The Social Insurance Board's child helpline 116 111 works around the clock. The telephone is answered by child protection workers who receive reports of children in need of help and advise the applicants to the municipality or city government, if possible directly to the child protection worker or to the child helpline 116 111 Report a child in need or a child in danger on the emergency number 112 ``Legal basis: § 17 of the Child Protection Act. Tasks of the local self-government unit (1) The tasks of the local self-government unit in organizing child protection are:[...]3) upon learning of a child in need, immediately assessing the child's need for help and offering measures to help the child; 4) offering measures to the child separated from the family and his family ;[...]6) collecting the necessary information about the situation and needs of children and families in their administrative territory in order to create an environment that supports child development and to improve the livelihood of children, families with children and persons raising children;[...] § 5 of the Social Welfare Act. Coverage by social welfare (1) The local government unit of the person's place of residence entered in the population register is obliged to organize the provision of social services, social benefits, unavoidable social assistance and other assistance to the person. (2) The local government unit in whose administrative territory the person is staying at the time of the need for assistance organizes the provision of unavoidable social assistance to a person staying outside his/her place of residence entered in the population register.[...] § 15 of the Child Protection Act. Tasks of the Social Insurance Agency [ . . . ](3) The Social Insurance Board implements the following national measures supporting children and families:[ . . . ]3) round-the-clock counseling of state and local government authorities and their officials, as well as public and private legal entities to help a child in need or in danger;[ . . . ]6) maintaining the children's helpline 116 111;[ . . . ] `Legal basis: § 3 of the Police and Border Guard Act. Tasks of the police(1) The tasks of the police are: 1) [...] protection of public order on the basis and procedure provided in the law enforcement act;[...]7) prosecution of offenses and execution of punishments on the basis and procedure provided for in the law;[...] § 30 of the Code of Criminal Procedure . Prosecutor's Office in criminal proceedings (1) The Prosecutor's Office manages pre-trial criminal proceedings, ensuring its legality and effectiveness, and represents the state prosecution in court. [...] § 32 of the Child Protection Act. Transporting a child in danger to safe conditions[...]( 3) A child in danger is transported to safe conditions by the child protection worker of the local government unit of the child's place of stay

or the police on the basis stipulated in § 46 (1) item 8 of the Law Enforcement Act.[...] Notification of a child in need and data protection<sup>1213</sup> Data protection does not prevent reporting a child in need to the competent authority! A child in need of help may be reported and, if necessary, personal data related to the child's need for help (including sensitive or special) may be forwarded to the municipal or city government, the Social Insurance Board's child helpline and the police without the knowledge and consent of the child and/or his legal representative, as these institutions have the legal right to contact the child for the processing of related personal data. The Riigikogu has placed the responsibility of protecting the rights of a child in need of help in the first place on the municipality or city government, the Social Security Board and the police. The municipality or city government, the Social Insurance Board and the police are administrative bodies that are allowed to process personal data if it is done for the fulfillment of public tasks and obligations prescribed by law. In order to perform each task arising from the law, a special authorization for the processing of personal data is not required in the law. A general authorization is sufficient if the need to process personal data is essential to fulfill the obligation imposed on the administrative body by law. The task of the municipality or city government to organize child protection work and the obligation to help a child in need derive from the Child Protection Act and the Social Welfare Act. With the Child Protection Act, the Social Insurance Board is tasked with maintaining a child helpline and ensuring the protection of a child in danger 24 hours a day and, if necessary, separation from the family. The task of the police to prevent and repel threats to people and to investigate crimes against people derives from the Police and Border Guard Act and the Law on Law Enforcement. There are also other administrative bodies that have the right to process personal data on the basis of the law and to whom personal data related to the child's need for assistance may be transferred without the knowledge and consent of the child and/or his legal representative. Such an administrative body is, for example, the prosecutor's office, which manages pre-trial proceedings. The Chancellor of Justice can be approached, for example, if a child in need of help has been reported to the municipality or city government, the Social Insurance Agency and the police, but despite this, the child has not received help. The Chancellor of Justice supervises the guarantee of fundamental rights and freedoms. To other persons, institutions or organizations (e.g. civil associations), which are not legally granted the right to process personal data, the child's personal data may be transferred only with the consent of the child and/or his legal representative. Legal basis: Article 6 of the General Regulation on Personal Data Protection. Legality of personal data processing (1) Personal data processing is legal only if at least one of the following conditions is met, and to the extent that this condition is met: a) the data subject has given consent to process his personal data for one or more specific

purposes; [...] c) the processing of personal data is necessary to fulfill the legal obligation of the controller; d) the processing of personal data is necessary to protect the vital interests of the data subject or another natural person; e) the processing of personal data is necessary for the performance of a task in the public interest or the exercise of public authority by the controller; [...] § of the Child Protection Act 17 subsection 1 point 3 and § 5 of the Social Welfare Act set the municipal or city government as the task of child protection and assistance. These provisions in conjunction with Article 6(1)(e) of the General Regulation on Personal Data Protection give the municipality or city government the right to process personal data that is necessary for the protection and assistance of children. Section 15(3)(3) and (6) of the Child Protection Act mandates the Social Insurance Board to provide round-the-clock counseling to help a child in need of help or in danger of emergency and a child helpline. keeping These provisions in conjunction with Article 6(1)(e) of the General Regulation on Protection of Personal Data give the Social Insurance Board the right to process personal data necessary for the protection and assistance of children. § 746 of the Police and Border Guard Act. Processing of personal data (1) In order to fulfill the tasks stipulated in subsection 1 of § 3 of this Act, as well as those arising from foreign agreements or European Union legislation, the police have the right to process, taking into account the provisions of the special law: 1) personal data, including special types of personal data; [...] Personal data are all data that enable the identification of a specific to find out something about a person. Personal data is, for example, a person's name, personal identification number, place of residence, workplace, school, etc. Personal data also includes sensitive (or special type) personal data. Sensitive (or special type) personal data are, for example, health data, information about a person's sexual orientation or religious beliefs. You can read more about personal data from Article 4, point 1 of the General Regulation on Personal Data Protection, and about sensitive (or special type) personal data from Article 9 of the General Regulation. Personal data processing is any operation performed with data. Processing is, for example, data collection, documentation, organization, reading, use, transmission, etc. When processing data, the principles of personal data processing (legality, minimality, etc.) arising from Article 5 of the General Regulation must be followed.

Notification of a child in need and data protection Notification of a child in need and data protection 1415 Protection of personal data of a child in need, his family and loved ones As the recipient of a notification of a child in need and in danger of emergency, the municipality or city government, the Social Insurance Board and the police undertake to take into account the right to privacy of both the child and his family or loved ones and to protect their personal data for abuses. Municipal and city governments, the Social Insurance Board and the Police and Border Guard Board as institutions as a whole and each

individual employee of these institutions are required to comply with data protection requirements. Personal data that must be protected by the municipality or city government, the Social Insurance Board and the police include both ordinary (e.g. place of residence, level of education) and sensitive or special (e.g. ethnic origin, health or disability, sexual life) personal data. First of all, employees of the municipal or city government, the Social Insurance Board and the police must use personal data related to the child and his family or relatives only for their work in helping the child, keep personal data secret outside of their work and have data protection training. Secondly, the personal data related to the child and his family or relatives in the municipality or city government, the Social Insurance Board and the police are intended for internal use, and access to them is limited. Access can also be restricted in the event that the child and/or his/her legal representative should request the data. For example, the release of data to a child and/or his/her legal representative may be refused if it may harm the child. The most common reason can be a conflict of interests between the child and his legal representative. For example, a parent can be the cause of a child's need for help by abusing the child or ignoring the child's special needs. Thirdly, the employees of the municipality or city government, the Social Insurance Board and the police must base their work only on the personal data related to the child and his family or relatives, which are necessary to protect the rights of a child in need. Upon receiving information about a child in need of help, only those data that are relevant are stored in the institution and unnecessary information is deleted. Which data is relevant depends on the specific situation. In case of doubt, it is advisable to ask the municipal or city government, the Social Insurance Board and the police what information they need. If criminal proceedings have been initiated on the basis of the received information, a special rule applies: data from pre-trial criminal proceedings may be published only with the permission of the prosecutor's office and to the extent determined by it. ``Legal basis: All information of the municipality or city government, the Social Insurance Board and the Police and Border Guard Board is public information, including whether it is registered in the document register. § 35 of the Public Information Act. Grounds for recognizing information as internal to the institution (1) The holder of the information is required to recognize as information intended for internal use within the institution: 1) information collected in criminal or misdemeanor proceedings, with the exception of information to be published under the conditions set out in the misdemeanor procedure law and the criminal procedure code, respectively; [...]11) information that contains a special type personal data or data about the commission of a crime or becoming a victim of it before a public court hearing or a decision in the case of an offense or the termination of the case proceedings; 12) information that contains personal data, if allowing access to such information would significantly



damage the privacy of the data subject; [...] Article 15 of the General Regulation on the Protection of Personal Data gives the person the right to familiarize himself with his data, including the right to receive information about whether data about him is being processed. This gives the right to receive a copy of the data, not the document. Based on Article 15 paragraph 3 of the General Regulation, this right cannot harm the rights and freedoms of other persons. This means that the part concerning other persons is covered or taken out. According to point 39 of the preamble of the General Regulation on Personal Data Protection, all data must be deleted after the purpose has been fulfilled. In most cases, institutions have fixed retention periods for documents.[...] Personal data should be relevant, sufficient and limited to what is necessary for the purpose of their processing. This presupposes, above all, that the data storage time is limited to a strictly minimum. In order to ensure that personal data are not stored longer than necessary, the controller should determine the deadlines for data deletion or periodic review. [...] § 20 of the Personal Data Protection Act. Peculiarities of the processing of special types of personal data (applicable only to law enforcement agencies, e.g. the Police and Border Guard Board)(1) The processing of special types of personal data is permitted only if it is strictly necessary, and only in the following cases: 1) the permissibility of processing is stipulated in legislation; 2) the processing is necessary for the protection of the vital interests of the data subject or another natural person or 3) personal data is processed, which the data subject has obviously disclosed himself .[...] § 214 of the Code of Criminal Procedure. Conditions for publication of pre-trial proceedings data (1) Pre-trial proceedings data may be published only with the permission of the prosecutor's office and to the extent determined by the prosecutor's office and under the conditions stipulated in subsection 2 of this section. (2) Publication of pre-trial proceedings data is permitted in the interest of the criminal proceedings, the public or the data subject, if it excessively: 1) does not promote crime or make it more difficult to detect a crime; 2) does not harm the interests of the Republic of Estonia or criminal proceedings; 3) does not endanger business secrets or harm the activities of a legal entity; 4) does not harm the rights of the data subject or third parties, especially in the case of the publication of special types of personal data. (3) ) If the ban on the publication of data from pre-trial proceedings is violated, the preliminary investigation judge may, at the request of the prosecutor's office, fine a party to the proceedings, another person participating in the criminal proceedings or a person outside the proceedings on the basis of a court order. The suspect and the accused are not fined. Notification of a child in need and data protection 1617 Channels and security measures for transmitting personal data Legal basis: Security is one of the main principles of data protection, which is stated in Article 5 of the General Regulation on the Protection of Personal Data, along with minimality, purposefulness, etc.

Security measures must be up-to-date and take into account the latest developments in technology (including enabling encryption and pseudonymization). Security requirements are dealt with in more detail in Article 32 paragraph 1 of the General Regulation. Example: Initial message: "There is a child with signs of violence in the hospital." In agreement with the child protection worker or the police, a more detailed description of the need for help: It may be important to record the child's injuries and health condition, the child's and parent's behavior and mood in the hospital, to pass on the child's and parent's explanations about the occurrence of injuries, etc. Reporting a child in need should not be hindered by the question of which channel to report through. It has no meaning whether to report a child in need by phone, electronically or by letter. Using all these channels, the municipality or city government, the Social Insurance Board and the police must take measures to protect personal data, including checking their data communication devices and hardware and software. If the person notifying a child in need of help doubts the reliability of his data communication tools, he can consider various ways to ensure the security of the transmitted personal data. For example, you can first announce only that the child needs help and decide together with the recipient of the information how to securely transmit sensitive or special types of personal data related to the need for help. When contacting via e-mail, encryption helps to protect the transmitted data, if the sender has such an option. Encryption requires a prior agreement with the addressee of the letter, who can open the letter and provide his personal code in advance. It is important to react quickly to the child's need for help, which is why it is necessary to make an agreement with the recipient of the message in advance, so that the information does not stop, for example, due to the addressee's absence from work.

Reporting of a child in need and data protection 1819 Protection of personal data of the person notifying a child in need The person reporting a child in need may remain anonymous, i.e. he does not have to tell his name to the municipality or city government, the child helpline of the Social Insurance Board or the police. Due to anonymity, however, the reliability and verifiability of the report may suffer, and thus the possibility of helping and protecting the child. Data about the person who notified the municipality or city government, the Social Insurance Board and/or the police about a child in need of help will not be disclosed in any case other than in criminal proceedings. The municipal or city government, the Social Insurance Board and the police must also apply the principles of data protection to the data of the person who reported a child in need (name, contacts, relationship with the child, etc.). Therefore, if the child and/or his legal representative should ask who reported the child's need for help, the informant's data will not be issued. The municipality or city government, the Social Insurance Board and the police, as well as the institution where the person notifying a child in need works, can restrict access to the personal

data (including name) of the person reporting the needy, i.e. recognize them for internal use only (including restricting access within the institution) and refuse to issue them. Such a restriction may be justified, for example, if access to the informant's personal data would harm criminal proceedings or the integrity of the informant's private life (including security). If a child in need is notified by an official as a representative of the institution and the notification is documented (official letter, interview protocol, etc.), access restrictions cannot generally be set to the data of the representative of the institution. Full anonymity cannot be guaranteed in any case with respect to the information that can be requested with an information request. However, in each specific case, the information requester must justify his need to know, and the information possessor must evaluate it. The fear of revealing one's identity should not hold anyone back from reporting a child in need. For example, if you are afraid of the reaction of the child's legal representative, you should think about how the child feels under the control of such a person.

Legal basis: § 27 of the Child Protection Act. Reporting a child in need[...] (5) The person who reported a child in need or the fact of the report shall not be made public, except in criminal proceedings. A person who informs about a child in need of help has the right not to disclose information about himself or herself in order to protect himself or his family. The legal grounds for restricting access to the reporter's personal data depend on whether the data is processed by a public authority and thus a holder of public information or a private person who does not perform public duties. Holders of public information are state and local government institutions (including municipal or city government, *polit-sei*, but also municipal school, etc.), public legal entities (e.g. university) and private legal entities in the performance of public tasks (e.g. private school, medical institution, etc.) , whose activities in enabling and restricting access to information are primarily regulated by the Public Information Act. § 3 of the Public Information Act. Public information (1) Public information (hereinafter referred to as information) is information recorded and documented in any way and on any information medium, which has been obtained or created while performing public tasks provided for in the law or in legislation issued on the basis thereof.[...] § 5. Holder of information (1) The holder of information is: 1) a state or local government institution; 2) a legal entity under public law; 3) a legal entity under private law and a natural person under the conditions set out in subsection 2 of this section. (2) Legal entities under private law and natural persons are extended the obligations of the holder of information, if the person performs public tasks on the basis of a law, administrative act or contract, including providing educational, health care, social or other public services, - with regard to information that concerns the performance of these tasks.[...] § 8. Access to information (1) Access to information is enabled by the holder of the information: 1) by fulfilling the request for information;[...] § 23. Refusal to fulfill a request for information

(1) The holder of information refuses to fulfill a request for information if: 1) access restrictions apply to the requested information and the information requester does not have the right to access the requested information;[...] § 34. Information with restricted access[...]( 2) On the basis of this law, the head of the institution may impose a restriction on access to information, recognizing the information as information intended for internal use of the institution. Section 35. Basis for recognizing information as internal to the institution (1) The holder of the information is required to recognize as information intended for internal use within the institution: 1) information collected in criminal or misdemeanor proceedings, with the exception of information published under the conditions set out in the misdemeanor procedure law and the criminal procedure code, respectively;[...]12) information that contains personal data , if allowing access to such information would significantly damage the privacy of the data subject;[...] Private persons who do not perform public duties (e.g. a sports club) are obliged to provide information about the processing of personal data only based on the General Regulation on the Protection of Personal Data. The data subject has the right to request information about the processing (including transmission) of his personal data from a private person not performing public duties. The child and/or his legal representative do not need to be told which specific employee in the organization drew attention to the child's need for help. The child and/or his/her legal representative can only ask for the name and contact details of the organization that forwarded the child's data, but not for the employee who processed the child's data in that organization. Notification of a child in need and data protection 2021 Assessment of a child's need for help and assistance Even after information about a child in need has reached the municipality or city government, the Social Insurance Board's child helpline and the police, there is still a need for networking and information exchange. The municipality or city government, the Social Insurance Board and the police as administrative bodies are based on the investigative principle in their work and have the obligation to ask clarifying questions and investigate the matter thoroughly. The initially transmitted information is not always enough to make a decision about the most suitable ways of assistance or the absence of the need for assistance. Therefore, requests from the municipal or city government and the police to provide additional information about the child's need for help may be justified. The Social Insurance Board may ask for additional data in connection with the temporary separation of a child in danger from the family or to help an unaccompanied minor. The same rules that are described in the context of reporting a child in need apply to the data of the child and his family sent to the public authorities during the assessment and assistance of the child's need for help. In other words, the information requested by the municipality or city government, the Social Insurance Board and the police must contribute for the purpose of helping the child

and include only those data that are necessary to fulfill this purpose. Other members of the network (school, kindergarten, hospital, family doctor, institution or organization providing other services, etc.) may transmit data concerning the child and his family without the consent of the child and/or his legal representative to the municipality or city government, the Social Insurance Board and the police, who have on the basis of the law, the right to process personal data necessary to help and protect the child. The same principles can be used to share personal data in communication between municipal or city governments and in cooperation with the Social Insurance Board and the police. The law requires that when assessing the child's need for help and providing help to the child, network work must be done and the principles of case management must be followed. This requires coordinated activities of various institutions and mutual information exchange. With the help of coordinated activities and mutual information exchange of various network members who come into contact with the child, it is possible to comprehensively find out the child's need for help and help the child more successfully. When assessing the child's need for help, the child protection worker can involve relevant specialists in the network. These are professionals whose task or professional obligation is to ensure the rights and well-being of the child and who come into direct contact with the child in their work or profession (e.g. specialists and service providers in the fields of education, healthcare and law enforcement). The child's personal data may be shared with relevant specialists to the extent that it is necessary to assess the child's needs in a specific case and to choose appropriate support measures. When assisting the child with the chosen measures, the municipality or city government may forward the child's personal data to the service provider, if the obligation to forward the information results from the law or if the child and/or his legal representative have given their consent. Consent to the processing of personal data can be requested when requesting consent for service provision or concluding a contract. Legal basis: § 6 of the Code of Administrative Procedure. Principle of investigation The administrative body is obliged to find out the circumstances of significant significance in the pending matter and, if necessary, to collect evidence for this purpose on its own initiative. § 28 of the Child Protection Act. Assessment of the need for assistance (1) Before applying a suitable measure to a child in need of assistance, the child's need for assistance must be assessed. The child's need for help is assessed by a child protection worker or a person working with a child, with the exception of a person who comes into direct contact with a child in voluntary activities, serving in substitute services, participating in labor market services or as an intern, involving the relevant specialist if necessary. (2) When assessing a child's need for help, a child protection worker or a person working with a child must give an assessment :1) the physical, health, psychological, emotional, social, cognitive, educational and economic

condition of the child; 2) the parenting skills of the person raising the child. (3) A child protection worker or a person working with a child must include the child and the person raising the child in the assessment of the child's need for help, or of the children's institution where the child is staying. § 29. Providing help to a child in need[...]( 2) When providing help, network work must be implemented, following the principles of case management in accordance with the procedure provided for in the Social Welfare Act. [...][...] § 33. Temporary separation from the family of a child in danger of emergency (1) A local government unit or the Social Insurance Board may separate a child from the family and, if necessary, determine the order of communication between the child and the parent before a court order restricting the right of custody, if leaving the child in the family or communication between the parent and the child endangers the child's health or life. [...]( 2) With the decision specified in subsection 1 of this section, the child in danger of emergency is separated from the family and his place of stay and, if necessary, the communication procedure between the child and the parent are determined for up to 72 hours from the time the child is separated from the family. (3) The local government unit or the Social Insurance Board must assess the child's situation and help - taking into account the need and the deadline provided in subsection 2 of this section, apply to the court to limit the right of custody and, if necessary, the right of communication on the grounds provided for in the Family Act. § 9 of the Social Welfare Act. Providing assistance based on the principle of case management[...]( 2) Providing assistance includes, among other things: 1) preparing a case plan and coordinating the schedule of the parties' activities related to each other; 2) appointing a case coordinator; 3) agreeing on the basis of mutual information exchange. (3) The case plan is a written document, which consists of an assessment of the person's need for assistance and an action plan for the implementation of assistance measures. [...] Notification of a child in need and data protection2223 [www.oiguskantsler.ee](http://www.oiguskantsler.ee)[www.aki.ee](http://www.aki.ee) Notification must be made to the municipality or city government (directly to the child protection worker if possible) or by calling the child helpline 116 111 and, if necessary, the emergency number 112. The municipality or city government, the Social Insurance Board and the police are administrative bodies that have due to the law, the public duty to help and protect the child. For the purpose of fulfilling this duty, the municipality or city government, the Social Insurance Board and the police may process personal data concerning the child's need for help. Since the municipality or city government, the Social Insurance Board and the police have the right to process personal data, data about the child may also be forwarded to them about the need for help without the consent of the child and/or his legal representative. A child needs help if his life, health, sense of security, development or well-being is in danger. Everyone has a duty to report a child in need of help! NOTIFY A CHILD IN NEED!

Data protection is not an obstacle