

The Pears Family Charitable Foundation School

Privacy Notice for Governors/Trustees and other Volunteers

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1. Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **individuals working with our school/trust** in a voluntary capacity, including **governors/trustees**.

Our trust, The Pears Family Charitable Foundation School, 4-8 Rodney Street, London N1 9JH, telephone number 020 3693 4911, is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Martin Long at TurnITOn (see 'Contact us' below).

2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- personal identifiers, contacts and characteristics (such as name, address, date of birth, contact details, passport and driving licence details, National Insurance number, address history)
- Next of kin and emergency contact numbers
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Outcomes of any disciplinary and/or grievance procedures
- Information about business and pecuniary interests

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- Governance role identifiers (details, such as role, start and end dates and Get Information about Schools governor ID)
- Companies House directorship details for Trustees (such as home address, occupation, nationality, country of residence)
- Evidence of qualifications
- Employment details
- Section 128 Direction check (prohibition or restriction of a person from taking part in the management of an independent school, academy or free school)
- Prohibition from teaching check, teaching sanctions, induction and probation failures, teacher reference number

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about any health conditions you have that we need to be aware of
- Information about disability and access requirements
- Photographs and video images captured in school

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, the Department for Education and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

We use the data listed above to:

- a) Establish and maintain effective governance
- b) Meet statutory obligations for publishing and sharing personal details
- c) Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- d) Undertake equalities monitoring
- e) Ensure that appropriate access arrangements can be provided for volunteers who require them

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

3.2 Use of your personal data in automated decision making and profiling

We do not currently process any governors'/trustees' or other volunteers' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

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4. Our lawful basis for using this data

Depending on the processing activity, we rely on the following lawful bases for processing your personal data under the UK GDPR:

- Article 6(1)(b) which relates to processing necessary for the performance of a contract.
- Article 6(1)(c) so we can comply with our legal obligations as your employer.
- Article 6(1)(d) in order to protect your vital interests or those of another person.
- Article 6(1)(e) for the performance of our public task.
- Article 6(1)(f) for the purposes of our legitimate interest.

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent

In addition, concerning any special category data:

Where the information we process is special category data, for example your health data, the additional bases for processing that we rely on are:

- Article 9(2)(a) your explicit consent.
- Article 9(2)(b) which relates to carrying out our obligations and exercising our rights in employment and the safeguarding of your fundamental rights
- Article 9(2)(c) to protect your vital interests or those of another person where you are incapable of giving your consent.
- Article 9(2)(f) for the establishment, exercise or defence of legal claims.
- Article 9(2)(g) – where processing is necessary for reasons of substantial public interest
- Article 9(2)(j) for archiving purposes in the public interest.

In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the DPA 2018. This relates to the processing of special category data for employment purposes. Our Appropriate Policy Document provides further information about this processing.

We process information about staff criminal convictions and offences. The lawful basis we rely on to process this data are:

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- Article 6(1)(e) for the performance of our public task. In addition, we rely on the processing condition at Schedule 1 part 2 paragraph 6(2)(a) of the DPA 2018.
- Article 6(1)(b) for the performance of a contract. In addition, we rely on the processing condition at Schedule 1 part 1 paragraph 1 of the DPA 2018.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation

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- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals

6. How we store this data

We keep personal information about you while you volunteer at our school. We may also keep it beyond your work at our school if this is necessary. Our record retention schedule sets out how long we keep information about governors/trustees and other volunteers.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

7. Who we share data with

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

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In our capacity as a free school, we are required to share information about individuals in governance roles with the Department for Education (DfE) under the requirements set out in the Academies Trust Handbook and as a pupil referral unit, under section 538 of the Education Act 1996.

All data is entered manually on the GIAS service and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current government security policy framework.

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority, Islington Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Government departments or agencies
- Our regulator, OFSTED
- Suppliers and service providers:
- Our auditors
- Health authorities
- Professional advisers and consultants
- Charities and voluntary organisations
- DBS Service Providers – to process DBS applications
- HR Consultants – to service and advise the school on HR matters
- Financial organisations – to service and advise the school on finance matters
- Survey and research organisations – to meet our legal obligations to provide this information
- NHS and healthcare professionals – for medical emergencies
- Insurance companies, underwriters and their agents – for the provision of the school's insurance and any associated claims
- Security organisations – to meet our legal obligations to provide this information
- Business associates and other professional consultants and advisers to the school – for the provision of legal and professional services to the school
- Charities and voluntary organisations – for publicity or fund raising initiatives
- Police forces, law enforcement organisations, courts, tribunals - to meet our legal obligations to provide this information
- Education, training, careers and examining bodies – to facilitate professional development and statutory training
- School staff - to service the school on HR matters
- Board of Trustees – to oversee the management of the school
- Family, associates and representatives of the person whose personal data we are processing - for medical emergencies
- Current, past or prospective employers - to service the school on HR matters
- Business associates and other professional consultants and advisers to the school - to assist in the management and operations of the school

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7.1 Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies:

- Government departments or agencies - to meet our legal obligations to provide this information
- Security organisations - to meet our legal obligations to provide this information
- App or cloud server providers - to service the school on HR matters

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

8.2 Your other rights regarding your data

Under data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose

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- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

9. How Department for Education uses Governor data on GIAS

The governance data that we lawfully share with the Department for Education (DfE) via Get Information about Schools will:

- increase the transparency of governance arrangements
- enable local authority maintained schools, academies, academy trusts and the Department for Education (DfE) to identify more quickly and accurately individuals who are involved in governance and who govern in more than one context
- allow the Department for Education (DfE) to be able to uniquely identify an individual and in a small number of cases conduct checks to confirm their suitability for this important and influential role

10. Data collection requirements

To find out more about the requirements placed on us by the Department for Education (DfE) including the data that we share with them, go to: <https://www.gov.uk/government/news/nationaldatabase-of-governors>

Some of these personal data items are not publicly available and are encrypted within the GIAS system. Access is restricted to authorised Department for Education (DfE) and education establishment users with a Department for Education (DfE) Sign-in account who need to see it in order to fulfil their official duties. The information is for internal purposes only and not shared beyond the Department for Education (DfE) unless the law allows it.

11. How to find out what personal information the Department for Education (DfE) holds about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a subject access request (SAR). Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the DfE: <https://www.gov.uk/contact-dfe>

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12. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

13. Contact us

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

Martin Long, Turn IT On Ltd, dpo@turniton.co.uk

However, our **data protection co-ordinator** has day-to-day responsibility for data protection issues in our school.

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact them:

Name: Linda Hooper, email address: admin@thefamilyschoollondon.org, telephone no: 020 3693 4911