

August 2018

## Privacy notice for Members, Trustees and Local Advisors

Under data protection law, individuals have a right to be informed about how ElmWey Learning Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy 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 the school/trust in a voluntary capacity, including Members, Trustees and Local Advisors. ElmWey Learning Trust uses and processes this information within the remit of the Regulation (EU) 2016/679 (General Data Protection Regulation), referred to throughout this statement as the GDPR. We, ElmWey Learning Trust are the data controller for the purposes of Data Protection Law.

## The categories of information about Members, Trustees and Local Advisors that we process include:

Personal data that we may collect, use, store and share (when appropriate) about Members, Trustees and Local Advisors includes:

- personal information (such as name, address, date of birth, email address and telephone number)
- term of office information (such as start date, end date and role)
- attendance information
- register of interests
- references
- career and other relevant experience, skills and expertise
- Information about business and pecuniary interests

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This may include information about (where applicable):

- Access requirements

Individuals who serve as Members, Trustees or Local Advisors are also required to be Disclosure and Barring Service (DBS) checked in accordance with statutory regulations. This check necessitates the presentation of personal original documents that evidence identity and personal address details (usually to school office staff). However, these documents, or copies, are **not** retained or shared.

## Why we collect and use this data

We collect and use this data for the following purposes:

- to publish statutorily required information about the governing body on the school website
- to populate the National Governor Database (Department for Education) in accordance with statutory regulations
- to circulate information to the relevant Board or Committee of the Board to enable them to undertake their role and functions
- to enable the Local Authority and third party training provider to maintain a database of school governors facilitating appropriate information being communicated to them including the LA's statutory duty to provide access to governor development and training opportunities
- to share Chair and Vice Chair contact information with Surrey County Council for use in an emergency

- to establish and maintain effective governance
- to facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- to ensure that appropriate access arrangements can be provided for volunteers who require them

## Our legal basis for using this data

We only collect and use Members, Trustees or Local Advisors' personal data when the law allows us to. Under the General Data Protection Regulation (GDPR), the lawful bases (Article 6) we rely on for processing this information are:

- we need it to perform an official task in the public interest
- we need to comply with a legal obligation.

Less commonly, we may also process Members, Trustees or Local Advisors' personal data in situations where:

- we have obtained consent to use it in a certain way

Where we have obtained consent to use Members, Trustees or Local Advisors' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

In addition, concerning any special category data (GDPR Article 9), processing is deemed necessary on the following bases:

- for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject
- to protect the vital interests of the data subject or of another natural person
- data subject has given explicit consent to the processing of those personal data for one or more specified purposes

## How we collect this information

Whilst most information Members, Trustees or Local Advisors provide is mandatory, some is provided to us on a voluntary basis e.g. your mobile telephone number. This facilitates effective governance communication and is in accordance with the Members, Trustees or Local Advisors' code of conduct.

In order to comply with data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## How we store this data

We will hold data for all individuals who are currently Members, Trustees or Local Advisors of the school and for each governor who has served at any point during the last 12 months. The data retention schedule included in the [Information and Records Management Society's toolkit for schools](#) sets out how long we keep information about Members, Trustees or Local Advisors.

It should be noted that governors' names appearing on public copies of Board or Committee meeting minutes are regarded as a permanent record and as such will always be available to inspect.

We keep data secure by:

- ensuring paper-based records and portable electronic devices containing personal data are physically secure
- enforcing password rules to ensure appropriate access to school computers, laptops and other electronic devices
- protecting all portable devices i.e. laptops and iPad with encryption and management software
- carrying out due diligence and taking reasonable steps to ensure secure storage and adequate

protection where we need to share personal data with a third party

### **We share data, as appropriate, with:**

- Third Party Training Provider
- the Department for Education (DfE)
- Surrey County Council (The Local Authority)
- National Governance Association

We only share Members, Trustees or Local Advisors' information that the law and our policies require us to.

### **Why we share Members, Trustees or Local Advisors' information**

#### **DfE**

The lawful basis on which we collect and share governors' personal data with the DfE is legal obligation: Section 538 of the Education Act 1996 facilitates the DfE collecting and processing personal data relating to those who are responsible for governance in schools. This is used to create a National Governor Database.

#### **Third Party Training Provider/Local Authority**

The lawful basis on which we collect and share governors' personal data with Babcock 4S (on behalf of the Local Authority) is legal obligation. Section 22 of The Education Act 2002 places a duty on the LA to provide access to training for volunteers who hold a school governance role and ensure they are provided with advice and guidance on how to discharge their role and responsibilities. A database is therefore maintained which facilitates communication between the authority (i.e. Babcock 4S) and individuals registered as Members, Trustees or Local Advisors. The LA also has various other statutory duties which, from time to time, will involve accessing the database.

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that the school holds. To make a request for your personal information, contact our Data Protection Officer Mrs. L Vishwanathan: [lvishwanathan@heathside.surrey.sch.uk](mailto:lvishwanathan@heathside.surrey.sch.uk)

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact Mrs. L Vishwanathan, Data Protection Officer on [lvishwanathan@heathside.surrey.sch.uk](mailto:lvishwanathan@heathside.surrey.sch.uk)