

# The Mercian Trust

## Privacy Notice - School and Trust Governance Roles

<b>Policy Owner</b>	<b>The Mercian Trust</b>
<b>Date Ratified by Trust Board</b>	<b>March 2022</b>
<b>Date to be Reviewed:</b>	<b>March 2023</b>
<b>Date Adopted</b>	<b>May 2022</b>

## **Privacy Notice (How We Use Personal Information on Get Information About Schools - GIAS)**

The Mercain Trust and its academies are joint data controllers for the use of personal data in this privacy notice.

This privacy notice advises members, trustees and Local Academy Committee governors of the trust's data protection responsibilities on the collection and processing of their personal information.

We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

We are required to explain how and why we collect such data and what we do with that information.

This notice will also provide information about your personal information that is held and processed by us.

### **The Categories of Governance Information That We Process Include:**

The personal data we hold regarding you can include, but is not limited to, information such as:

- personal identifiers, contacts and characteristics (such as name, date of birth, contact details and postcode)
- governance details (such as role, start and end dates and governor ID)

### **Why We Collect and Use Governance Information**

The personal data collected is essential, in order for the school to fulfil their official functions and meet legal requirements.

We collect and use governance information, for the following purposes:

- a) to meet the statutory duties placed upon us
- b) to facilitate safe recruitment
- c) to inform our community

Under the UK General Data Protection Regulation (UK GDPR), the legal bases we rely on for processing personal information for general purposes are:

- Consent.
- For the performance of a contract.
- To comply with a legal obligation, as for purposes a) and b) above.
- To protect the vital interests of the individual or another person.
- For a task carried out in the public interest.
- For a legitimate interest of the school or one of the organisations, it shares data with (e.g. legal adviser) except where those rights are overridden by the interests or fundamental rights and freedoms of the data subject which require protection.

Sometimes the handling of your personal data falls within several of the above lawful grounds.

### **Consent**

We may ask for your consent to use your information in certain ways. For example, we may ask to use your image on our website or in school publications. If we ask for your consent to use your personal data, you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid.

### **Performance of a contract**

We need to process data to enter into a contract with you and to meet our obligations under such contract. For example, we may need to process your data to pay expenses in accordance with our policies and your role. Your personal data, where it is reasonable to do so, may also be shared with other professionals contracted by the school, such as legal and professional advisers.

### **Legal obligation**

In some cases, we need to process data to ensure that we are complying with our legal obligations. For example, we must make a Section 128 direction check on trustees and governors. Safer recruitment procedures in schools also require appropriate checks to be made on persons in governance roles. Statutory reporting requirements are included within this section. As is disclosing information to third parties such as the courts or the police where we are legally obliged to do so.

### **Vital interests**

This legal basis can be used where, for example, we need to disclose information about you to prevent you or someone else from being seriously harmed or killed. An example can include providing information to a medical professional about you in circumstances where you are unable to provide the information yourself. It may cover an emergency.

### **Public interest**

We consider that we are acting in the public interest when providing education. Specifically, we have a public interest in:

- Providing an education.
- Fulfilling our safeguarding obligations and investigating complaints that may be directly connected with you or may require access to your personal data when investigating complaints by others.
- Promoting the interests of the school.
- Managing the school efficiently.

### **Legitimate interests**

We have legitimate interests for which we hold, retain, process and share your personal data. For example, providing you with membership to the National Governance Association. The GDPR states that the exception to using this ground is where it is detrimental to a data subject's rights.

- for the purpose **a)** named above in accordance with the legal basis of **Legal Obligation**

All maintained school governing bodies, under [section 538 of the Education Act 1996](#) and academy trusts, under the [Academies Financial Handbook](#) have a legal duty to provide the governance information as detailed above.

In addition, concerning any special category data:

We must also comply with an additional condition where we process special categories of your personal data. These special categories include personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation. Data relating to criminal offences is also given similar protection. Special category personal data and sensitive information are processed in accordance with GDPR - Article 9 and documented on our data asset register

We process criminal offence data under Article 10 of the UK GDPR.

Our Data Protection Policy highlights the conditions for processing in Schedule 1 of the Data Protection Act 2018 that we process Special Category and Criminal Offence data under.

## **Collecting Governance Information**

We collect personal information via

- Governor election nomination forms
- Your completion of your profile on The Trust Governor system
- Your passport or other identity check documents, such as your driving licence.
- From third parties such as the Disclosure and Barring Service (DBS) in carrying out safeguarding checks.
- Information provided and recorded in the register of directors

Governance data is essential for the school's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it may be requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

## **Storing Governance Information**

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit Retention and Distribution Policy <https://www.themerciantrust.org/about/our-policies>

We take the security of your personal data very seriously. We have internal policies and controls in place to try to ensure that data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, they do so based on written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **Who We Share Governance Information With**

We routinely share this information with:

- the Department for Education (DfE)
- our local authority
- The Mercian Trust
- National Governance Association
- Companies House

## **Why We Share Governance Information**

We do not share information about individuals in governance roles with anyone without consent unless the law and our policies allow us to do so.

We share governance data with the DfE on a statutory basis.

## **Local Authority**

We are required to share information about our governors with our local authority (LA) under their data sharing agreement.

## **Department for Education**

The Department for Education (DfE) collects personal data from educational settings and local authorities. We are required to share information about individuals in governance roles with the Department for Education (DfE), under:

We are required to share information about individuals in governance roles with the (DfE) under the requirements set out in the [Academies Financial Handbook](#)

## **Requesting Access To Your Personal Data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact James Fendek via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org)

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint 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/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

## **Withdrawal of Consent and The Right to Lodge A Complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting James Fendek via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org)

## **Last Updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 25 May 2022

## **Contact**

If you would like to discuss anything in this privacy notice, please contact: James Fendek via [GDPR@the.merciantrust.org](mailto:GDPR@the.merciantrust.org).

## How Government Uses Your Data

The governance data that we lawfully share with the DfE via GIAS:

- will increase the transparency of governance arrangements
- will enable maintained schools and academy trusts and the department to identify more quickly and accurately individuals who are involved in governance and who govern in more than one context
- allows the department 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

## Data Collection Requirements

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

**Note:** Some of these personal data items are not publically available and are encrypted within the GIAS system. Access is restricted to a small number of DfE staff 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, unless the law allows it.

## How to Find Out What Personal Information DfE Hold About You

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- 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, you should make a 'subject access request'. Further information on how to do this can be found within the Department's 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 DfE: <https://www.gov.uk/contact-dfe>