

## **1. How we use Governor and Associate Member information**

Data protection legislation gives Governors and Associate Members the right to be informed about what personal data is held on them, how that data is used, who it is shared with and how long it is retained. This privacy notice provides this information, in general terms, in relation to information held on Governors and Associate Members, as well as the lawful basis under which it is collected and retained.

West Croft School is the Data Controller in charge of the data.

The school's Data Protection Officer (DPO) is an external consultant who performs the role under a service contract through the Devon Moors Federation. If after reading this notice you have any questions relating to the data we hold or how we use it, please contact our Data Protection Officer whose contact details are listed at the end of this notice.

## **2. The categories of Governor/Associate Member information that we process include:**

- Personal identifiers and contact details (such as name, date of birth, address and telephone numbers)
- Qualifications and skills
- Business and pecuniary interests
- Information acquired as part of an application to become a Governor/Associate Member; including copies of identity checks, an Enhanced Disclosure and Barring Service (DBS) check, Section 128 direction disqualification check, information about bankruptcy, any references and other information included in a CV, application form or cover letter or as part of the application process
- Governance details (such as role, start and end dates and Governor ID)
- Photographs and CCTV images captured in school.

We may also collect, store and use 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 of which we need to be aware
- Information about disability and access requirements.

## **3. Why we collect and use Governor/Associate Member information**

Most personal data collected is essential in order for the school to fulfil its official functions and to meet legal requirements. However, we may occasionally also seek consent to collect other personal data.

We collect and use Governor/Associate Member information, for the following purposes:

- Meeting statutory duties placed upon us
- Enabling appropriate checks to be completed including for safeguarding

- Establishing and maintaining effective governance
- Enabling the development of a comprehensive picture of governance and how it is deployed
- Informing relevant authorities/organisations of a Governor/Associate Member's appointment or resignation
- Maintaining records of governor decision-making processes, including copies of minutes, reports and other documentation
- Sending communications to a Governor/Associate Member who is on the governing board
- Arranging training and enabling Governors/Associate Members to be kept informed of training and other development opportunities
- Administrating processes for the election of governors
- Providing information on our website about our governors
- Providing information on online databases which set out our governance arrangements
- Recording financial information such as expenses claimed
- Performing governance reviews
- Liaising (where appropriate) with regulatory bodies, the Department for Education, the DBS and the Local Authority about a Governor/Associate Member's suitability to join the governing board or in connection with other regulatory matters
- Ensuring that appropriate access arrangements can be provided for those who require them
- Assisting in the prevention or detection of crime should this be necessary
- Responding to complaints, grievances and discipline investigations.

Some of the reasons listed above for collecting and using Governor/Associate Member personal data may overlap and there may be several grounds which justify our use of particular data.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for a new, unrelated purpose we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent where this is required or permitted by law.

#### **4. The lawful basis on which we process this information**

We only collect and use Governor/Associate Member personal data when the law allows us to do so. We may process Governor/Associate Member personal data under the following lawful bases:

Most commonly when

- Processing is necessary to perform a task in the public interest or for our official functions and the task has a clear basis in law

or when

- Processing is necessary to comply with our legal obligations

Less commonly when

- We have obtained the data subject's consent to use it in a certain way
- We need to protect someone's vital interests.

Very occasionally, where the processing is not part of the school performing tasks as a public authority, we may process data under the lawful basis that it is in our legitimate interests or the legitimate interests of a third party to do so. In these circumstances we would be using the data in a way that would be reasonably expected by the Governor/Associate Member concerned and the processing will have a minimal privacy impact or there will be a compelling justification for the processing.

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 the UK General Data Protection Regulation (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.

Where we have obtained consent to use 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.

If we need to process any special category data under Article 9 of the UK GDPR which is of a more sensitive nature, we will only do so if we have a lawful basis to do so under Paragraph 2 of Article 9 of the UK GDPR.

No decisions are made by the school through automated decision making (including profiling).

## **5. Collecting Governor/Associate Member information**

The majority of Governor/Associate Member information is collected through the application and recruitment process, either directly from individuals and/or the Local Authority.

We will also collect additional personal information in the course of Governor/Associate Member activities throughout the term of their appointment.

## **6. Storing Governor/Associate Member information**

Governor/Associate Member personal data is processed in accordance with the school's policies.

We maintain a file to store personal information about all our governors. The information contained in this file is kept secure and is only used for purposes directly relevant to your work with the school.

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

We hold data securely for a set amount of time as shown in our data retention schedule. Primarily, we hold Governor/Associate Member personal data for the length of time that the individual serves as a Governor/Associate Member or until they resign plus another 12 months (this is also how long Governor information appears on GIAS). However, minutes of meetings are held indefinitely. For more information on our data retention schedule and how we keep your data safe, please contact our Data Protection Officer whose details are at the end of this notice.

## 7. Who we share Governor/Associate Member information with

We do not share information about our Governors/Associate Members with anyone without consent unless the law and our policies allow us to do so.

Where it is legally required or necessary (and it complies with data protection law) we may share personal information about you with third parties. In particular, we may share your data with organisations including, but not limited to, the following:

- Government departments or agencies including the Department for Education (DfE) through Get Information about Schools (GIAS)
- Our local authority (Devon County Council) – to meet our legal obligations to share certain information with it, such as details of governors through DCC’s Governance Consultancy Team
- Other governors on the same governing board
- The Disclosure and Barring Service
- Auditors and regulators
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as governance support, human resources and data protection
- Professional advisers and consultants
- Police forces and courts.

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

If we need to transfer personal data internationally, we will do so in accordance with data protection law.

### *Local Authority*

The Constitution of Governing Bodies of Maintained Schools statutory guidelines require us to share information about our governors with our local authority.

Governors hold an important public office and their identity should be known to their school and wider communities. In the interests of transparency, a governing body must publish in a readily accessible form up-to-date details of its governance arrangements on its website.

### *Department for Education*

The Department for Education (DfE) collects personal data from educational settings and local authorities. [Section 538 of the Education Act 1996](#) requires us to share information with the Department for Education, i.e.:

Section 538 Provision of information to Secretary of State by governing bodies of maintained schools  
“The governing body or temporary governing body of a community, foundation or voluntary school or a community or foundation special school shall make such reports and returns, and give such

information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.”

It is a statutory requirement to inform the DfE through Get Information About Schools (GIAS) about new Governor appointments. All data is entered manually on the GIAS system and held by the DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

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

- increases the transparency of governance arrangements
- enables schools 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.

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 to that data 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 the DfE holds 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>

### *Disclosure and Barring Service*

All maintained school Governors are required to have an enhanced criminal records certificate from the DBS. The school Single Central Record will record that appropriate checks have been carried out for everyone involved in the governance of the school.

## Websites

It is a statutory requirement that school websites and the GIAS website contain certain prescribed information relating to school Governors.

## 8. Requesting access to your personal data

Under data protection legislation, you have the right to request access to personal information that we hold about you by making a Subject Access Request. If you make a Subject Access Request and we do hold information about you, we will:

- Give you a description of the information held
- Tell you why we are processing it and for how long we will keep it
- Explain where we got it from, if not from you or your child
- 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 also have the right to:

- Object to processing of personal data if it is likely to cause, or is causing, damage or distress
- Prevent processing of your personal information for the purpose of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances: have personal data erased or destroyed, restrict the processing of data, have inaccurate personal data rectified and have personal information transmitted electronically to another organisation
- Seek redress, either through the Information Commissioner's Office, or through the courts.

If you would like to make a Subject Access Request or exercise another of the above rights, please contact the office at West Croft School: [admin@westcroft.devon.sch.uk](mailto:admin@westcroft.devon.sch.uk)

or the school's Data Protection Officer: [dpo@devonmoorsfederation.devon.sch.uk](mailto:dpo@devonmoorsfederation.devon.sch.uk).

## 9. 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 at any time. If you change your mind, please let us know by contacting the school's office.

We take any complaints about our collection and use of personal data very seriously. If you think that our collection or use of your personal data is unfair, misleading or inappropriate, or you have any other concern about our data processing, please raise this with us in the first instance by contacting our Data Protection Officer using the contact details in section 11 below.

You can also make a complaint to the Information Commissioner's Office:

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

## 10. Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time. We will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

This version of our privacy notice was last updated on 8<sup>th</sup> January 2024.

## 11. Contact

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection legislation. The school's DPO is an external consultant who performs the role under a service contract through the Devon Moors Federation.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer (DPO):

Alvin Scott (DPO)  
Coplestone Primary School  
Bewsley Hill  
Coplestone  
Crediton  
Devon  
EX17 5NX

Email: [dpo@devonmoorsfederation.devon.sch.uk](mailto:dpo@devonmoorsfederation.devon.sch.uk).