



ST. MARY'S  
ACADEMY TRUST

# **St Mary's Academy Trust**

## **Privacy Notice for Governors/Trustees**

**Last Updated:** January 2021

## **1. Scope**

- 1.1 Under data protection law, individuals have a right to be informed about how the 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 and use personal data about our Governors/Trustees, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

## **2. Responsibilities**

- 2.1 The Trust's Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to St Mary's Academy Trust and its schools collecting and processing their personal data.
- 2.2 St Mary's Academy Trust and its schools who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.
- 2.3 The personal data collected is essential, in order for the Trust and its schools to fulfil its official functions and meet legal requirements.

## **3. Key Contact**

- 3.1 Data Protection Officer: Jo Hudson
- 3.2 Email: [J.Hudson@smat.org.uk](mailto:J.Hudson@smat.org.uk)
- 3.3 Telephone: 01226 282721

## **4. Data Protection Principles**

- 4.1 We will comply with data protection law. This says that the personal information we hold about you must be:
  - Used lawfully, fairly and in a transparent way
  - Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
  - Relevant to the purposes we have told you about and limited only to those purposes
  - Accurate and kept up to date
  - Kept only as long as necessary for the purposes we have told you about
  - Kept securely

## **5. Personal Data We Hold About You**

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

- Contact details – name, telephone number and address
- Date of birth, marital status and gender
- Business Interest – place of work
- Identification documents
- Information acquired as part of your application to become a Governor /Trustee

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

- Race, ethnicity, beliefs, sexual orientation and dependant responsibilities
- Health, including any medical conditions and sickness records

## **6. Why We Use this Data**

6.1 The purpose of processing this data is to help us run the school and meet our legal obligations, including to:

- Facilitate safe appointment of Governors/Trustees, as part of our safeguarding obligations towards pupils
- Support effective governance

## **7. Data Sharing**

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

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

- Our Local authority – to meet our legal obligations to share certain information with it
- The Department for Education - Edubase
- Ofsted - single central record
- Barnsley Governors Association
- Central and local government
- Companies House
- Our Auditors
- Survey and research organisations
- Professional advisers and consultants
- Police force, courts, tribunals
- Professional bodies
- Other Governors/Trustees

## **8. Transferring Data Internationally**

- 8.1 A small number of data processors used by the Trust and its schools are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.
- 8.2 Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
- A) We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission or Secretary of State.
  - B) Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in UK.

## **9. Our Legal Basis for using this data**

- 9.1 We only collect and use your personal data when the law allows us to. Most commonly we process it where we need to:

- Fulfil a contractual obligation
- Comply with a legal obligation
- Carry out a task in the public interest

- 9.2 Less commonly we may also process your personal data in situations where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)
- To pursue a legitimate interest

### **9.3 Legitimate Interests**

- 9.3.1 As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.
- 9.3.2 Where you have provided us with consent to use your data, you may withdraw this at any time. You can withdraw your consent in writing to the Chief Executive.

9.3.3 Some of the reasons listed above for collecting your personal data overlap and there may be several grounds which justify our use of this data.

## **10. Collecting this Information**

10.1 While the majority of information we collect about you is compulsory, there is some information that you can choose whether or not to provide to us. Whenever we seek to collect information from you we make it clear whether providing it is compulsory or optional. If it is compulsory we will explain the possible consequences of not complying.

10.2 We collect personal information about governors through the application and recruitment process, either directly from individuals, the Local Authority or the Diocese. We will also collect additional personal information in the course of Governor/Trustee activities throughout the term of your appointment.

## **11. How We Store this Data**

11.1 The information we collate is contained in a secure file which is locked away in the school and an electronic copy on the Trust drive which has restricted access to authorised personnel. This is retained in accordance with the Retention Schedule. We also input your details to Edubase, a government register of educational establishments within England and Wales.

11.2 We will retain this file in accordance with the Trust's retention schedule.

11.3 The retention schedule is on the Trust's website.

## **12. Your Duty to Inform Us of Changes**

12.1 It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your appointment as a Governor/Trustee.

## **13. Your Rights Regarding Personal Data**

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

13.2 Your rights as a data subject:

- Individuals have a right to make a subject access request to gain access to personal information that the Trust holds about them
- The right to be informed: Individuals have the right to be informed about the collection and use of their personal data
- The right of access: Individuals have the right to access their personal data
- The right to rectification: Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete

- The right to erasure: Individuals have the right to have personal data erased (also known as the right to be forgotten)
- The right to restrict processing: Individuals have the right to request the restriction or suppression of their personal data in certain circumstances
- The right to data portability: This right allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability
- The right to object: individuals have the right to object to the processing of their personal data in certain circumstances and an absolute right to stop their data being used for direct marketing
- Rights in relation to automated decision making and profiling: Automated individual decision making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual) are restricted

13.3 All of the above requests will be forwarded on should there be a third party involved in the processing of your data.

13.4 If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long it will be kept for
- Explain where we got it from, if not you or your child
- Tell you who it has been, or will be, shared with
- Give you a copy of the information in an intelligible form
- Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances

13.5 We have a separate Subject Access Request policy which provides more detailed information of how to make a request, please contact 01226 282721 to request a copy of this policy.

13.6 If you would like to make a request please contact our Data Protection Officer – Jo Hudson on 01226 282721 who will oversee the collation of this information by the school.

## **14. Other Rights**

14.1 Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine rather than by a person)
- Have inaccurate personal data corrected, deleted or destroyed and in certain circumstances restrict processing

- Claim compensation for damages caused by a breach of the data protection regulations
- In the limited circumstances where you have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. We will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law

14.2 To exercise any of these rights, please contact our Data Protection Officer, Jo Hudson on 01226 282721

## **15. Complaints**

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

15.2 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.

15.3 To make a complaint, please contact our Data Protection Officer, Jo Hudson – 01226 282721.

15.4 Alternatively you can make a complaint to the Information Commissioner's Office as follows:

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