



## St Herbert's CE Primary and Nursery School

### Privacy Notice (How we use governance information)

St Herbert's CE Primary and Nursery School is the data controller under the UK General Data Protection Regulation (UK GDPR) for the use of personal data explained in this Privacy Notice.

Personal data is any information that can be used to identify a living person, either on its own, or in combination with other pieces of data. Data processing includes the collection, use, and storage of data.

#### The categories of governance information that we process include:

- personal identifiers like name, image, date of birth, gender identity, contact details including address and postcode;
- financial or business information like a governor's outside financial or business interests, or bank details for expense payments;
- Special categories of data like criminal conviction or social care action information for legal and safeguarding reasons, next of kin and medical information (to prevent or manage a health or medical issue), and protected characteristics information like gender identity or religion.
- governance details like their role, start and end dates and governor ID.

#### Why we collect and use this information

The personal data we collect is essential to fulfil our official functions and meet legal requirements.

We are a maintained school and have a legal duty under [section 538 of the Education Act 1996](#) to provide governance information to the Get Information About Schools (GIAS) scheme online.

We also use governor data to:

- a) comply with the law and keep governors safe;
- b) recruit appropriately;
- c) enable individuals to be paid expenses or access services; and
- d) celebrate or promote school, for scientific interest, or to record our own school history.

Under UK GDPR, the lawful bases we rely on for processing personal governance information are:

- to enter into or carry out a contract (mainly reasons b, and c above) e.g., to appoint governors, include them in services we buy like access to online subscriptions we hold, or to engage with our training or activity providers.
- to protect vital interests (mainly reason a above) e.g., allergy or other health information,
- to comply with the law (mainly reason a above) e.g., publishing information on our website and submitting data to GIAS.
- having consent (mainly reasons c, and d above) e.g., to use images and names in publicity.

When we process special category data like medical information, biometrics, or criminal history, we need to have one lawful basis from the list above *and* one of the following list:

- having consent (mainly reasons a, and e above) e.g., for referral to occupational health or other support services or to use a biometric controlled catering service.
- to comply with the law (mainly reasons a, and b above) e.g., pre-appointment criminal record checks, providing reasonable adjustments to governor tasks or election procedures.

- to improve public health (mainly reason a above) e.g., report notifiable diseases to local or national government departments;
- to make or defend a legal claim e.g., some special educational needs and other records which detail governors that dealt with complaints or appeals about them, all accident records etc.

## Collecting governance information

We collect personal information via governor application forms, completion of proformas and in-person at Governors meetings.

Most of the information we ask for is required by law or necessary so we can run the school effectively and some of it is voluntary. To comply with UK GDPR, if you have a choice about providing information, we will tell you when we ask for it. We will also tell you what to do if you do not want to share this information with us.

## Storing governance information

We hold governor data securely in line with the Information and Records Management Society (IRMS) [Records Management Toolkit for Schools](#). Most data about governors is kept for between 6 months and 6 years after an election or term of office ends, although some is kept for much longer e.g., minutes of governor meetings showing attendees are kept for the lifetime of a school. For more information about how long we keep some information for and why (data retention), and how we keep the data safe, please see our Data Protection Policy.

## Who we share governance information with and why

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. The laws listed in this notice that require us to collect information also require us to share it. Data is transferred securely by hand delivery or registered post, via a government data transfer system like GIAS, and sometimes in other secure ways.

We routinely share governor information with:

- our local authority (as above),
- our HR provider to pay expenses;
- Government departments like UK Health Security Agency, local authority public health, and District Council Environmental Health Departments to comply with the law and support public health action;
- other organisations like an off-site training or activity provider that needs next of kin or medical details to manage them safely, and third-party service providers like online subscriptions, but usually only with consent.

## Sharing with the Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections.

We are required to share information about our governors with the Department for Education (DfE) under [section 538 of the Education Act 1996](#).

All data is entered manually on the GIAS system and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

## Requesting access to your personal data

Under UK GDPR, you have the right to request access to information about you that we hold. To make a request for your personal information, please contact the Clerk to the Governing Body in the first instance.

Depending on which lawful basis above was used to process the data, you may also have a right to:

- ask us for access to information about you that we hold
- have your personal data rectified if it is inaccurate or incomplete
- request the deletion or removal of personal data where there is no compelling reason for its continued processing
- restrict our processing of your personal data (i.e., permitting its storage but no further processing)
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- 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 about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

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

## **Withdrawal of consent and the right to lodge a complaint**

If we are only processing your personal data because you consented, 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 the Clerk to the Governing Body in the first instance.

## **Last updated**

This privacy notice was compiled using [DfE advice and model documents](#). We may need to review it periodically, so we recommend that you revisit this information from time to time. This version was last updated on 27<sup>th</sup> June 2023.

## **Contact**

If you would like to discuss anything in this privacy notice, please contact the Headteacher or our Data Protection Officer (DPO), Reverend Charles Hope - email: [dpo@stherberts.cumbria.sch.uk](mailto:dpo@stherberts.cumbria.sch.uk).

## **How Government uses your data**

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

- increase the transparency of governance arrangements;
- 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;
- allow the 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.

## **Data collection requirements**

To find out more about the requirements placed on us by the DfE 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 publicly 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 UK 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 DfE, you should make a 'subject access request'. Further information on how to do this can be found in the DfE's personal information charter published at: [www.gov.uk/government/organisations/department-for-education/about/personal-information-charter](http://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter)

To contact the department: [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe).