

Simon Balle All-through School

Creating tomorrow's citizens today



PRIVACY NOTICE FOR TRUSTEES

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Introduction

Simon Balle Academies Trust is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you before, during and after your relationship with us as a trustee, in accordance with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data. Simon Balle Academies Trust is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

Please see the Glossary at the end of this privacy notice for definitions of key terms.

Data protection principles

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.

The type of information we hold about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Sex

- Occupation
- Start date
- Skills and experience
- Information acquired as part of your application to become a trustee (including copies of identity checks (including Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, and disqualification checks, information about bankruptcy, references and other information included in a CV, application form or cover letter or as part of the application process)
- Information about pecuniary or business held by you or your family members
- Information about other posts held by you
- Information about your conduct
- CCTV footage and other information obtained through electronic means such as access control systems
- Information about your use of our information and communications systems
- Photographs

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Information about your health, including any medical condition
- Information about your criminal records, fines and other similar judicial records

How is your personal information collected?

We collect personal information about trustees through the application and recruitment process.

We will also collect additional personal information in the course of trustee activities throughout the term of your appointment.

How we will use information about you

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to comply with a legal obligation.
- Where we need to protect your interests (or someone else’s interests).
- Where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- Where we have your consent.
- Where it is necessary for our legitimate interests or the legitimate interests of a third party.

Situations in which we will use your personal information

The situations in which we will process your personal information include (but are not limited to):

- Making a decision about whether to appoint you as a trustee
- Dealing with any processes for the election of trustees
- Checking your suitability to be a trustee
- Complying with our general safeguarding obligations
- Providing information on our website about our trustees
- Providing information on any online databases to set out our governance arrangements
- Communicating with stakeholders about the Trust
- Delivering the Trust's services to our community, and to carry out any other voluntary or charitable activities for the benefit of the public as provided for in our constitution and statutory framework
- Business management, administrative and planning purposes, including accounting and auditing
- Financial information such as expenses claimed
- Responding to complaints or investigations from stakeholders or our regulators
- Sending you communications connected with your role as a trustee
- Making decisions about your continued appointment as a trustee
- Making arrangements for the termination of your appointment
- Education, training and development requirements
- For the purposes of carrying out governance reviews
- Dealing with legal disputes involving you or other stakeholders
- Complying with health and safety obligations
- For the purposes of keeping records about trustee decision-making processes, including copies of minutes, reports and other documentation
- Where you sit on a committee or a panel on a Trust matter we may process your name, opinions, comments and decisions attributed to you, for example, if you sit on a panel for the purposes of considering a complaint, exclusion or HR issue
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To maintain and promote equality
- To receive advice from external advisors and consultants
- In appropriate circumstances to liaise with regulatory bodies such as the Department for Education and the DBS about your suitability to be a trustee or in connection with other regulatory matters

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of

disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving governors / trustees will only be processed to the extent that it is lawful to do so. Please see our CCTV policy/code of practice for more details.

If you fail to provide personal information

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations (such as to discharge our safeguarding obligations) or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

Change of purpose

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 an 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, in compliance with the above rules, where this is required or permitted by law.

How we use particularly sensitive personal information

“Special categories” of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations and in line with our Data Protection Policy.
- Where it is needed in the public interest and in line with our Data Protection Policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations

We will use your particularly sensitive personal information in the following ways:

- We will hold information relating to sickness-related absence from your trustee commitments.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety and to provide appropriate adjustments to comply with the Equality Act 2010.

Do we need your consent?

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- for reasons of substantial public interest, on the basis of domestic law which shall be proportionate to the aim pursued, where we respect the essence of the right to data protection and where we provide suitable and specific measures to safeguard your fundamental rights.

Information about criminal convictions

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Data Protection Policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our appointment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your time as a trustee.

Data sharing with third parties

We may have to share your data with third parties, including third-party service providers and other organisations.

In particular, we may share your data with organisations including, but not limited to, the following:

- the Local Authority
- the Department for Education
- the Education & Skills Funding Agency
- the Disclosure and Barring Service
- our external HR provider, for example, if you are involved in considering a disciplinary matter
- the Police or other law enforcement agencies
- our IT provider
- our legal advisors
- other external consultants

- insurance providers
- banking providers

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.

Why might we share your personal information with third parties?

We will share your personal information with third parties where required by law, in connection with legal proceedings, where it is needed in the public interest or for official purposes or where we have your consent.

How secure is your information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may share your personal information with other third parties, for example in the context of a possible academy conversion/Trust merger. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data subject access request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

Transferring information outside the EU

The personal information that we collect is stored within the UK and European Economic Area (EEA). However, there may be some circumstances where it is necessary to transfer and store personal information at a destination outside the UK or the EEA. In these circumstances, we will take all steps reasonably necessary to ensure that personal information is treated securely and in accordance with data protection law and, in the event that personal information is transferred outside the UK or the EEA, shall ensure that this is carried out subject to the requirements of the UK GDPR.

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from Haydn Walsh (walshh@simonballe.herts.sch.uk), the Trust Data Protection Manager.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will we use your information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Retention Policy and Data Retention Schedule. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a trustee, we will retain and securely destroy your personal information in accordance with our Data Retention Policy.

Rights of access, correction, erasure and restriction

Your duty to inform us of changes

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 trustee.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- Request access to your personal information (data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- Request correction of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Haydn Walsh in writing.

We will always seek to comply with any requests regarding your rights, however please note that we may still be required to hold or use your information to comply with legal duties.

For further information about your rights, including the circumstances in which they apply, see the [guidance](#) from the Information Commissioners Office (ICO) on individuals' rights under the UK GDPR.

The legal timescales for the school / trust to respond to a Subject Access Request is one calendar month. As the school / trust has limited staff resources outside of term time, we encourage you to submit any Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

Right to withdraw consent

In the limited circumstances where you may 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. To withdraw your consent, please contact Haydn Walsh. Once we have received notification that you have withdrawn your consent, 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.

Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO Will Davies (dpo@simonballe.herts.sch.uk). 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. However, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via [email](#) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Glossary of terms

Biometric Data

Personal Data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics which allow or confirm the unique identification of that person, such as fingerprints.

Consent

Any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which they, by a statement or by a clear affirmative action, signify agreement to the Processing of Personal Data relating to them.

Data Controller

Exercises overall control over the purposes and means of the Processing of personal data.

Data Processor

Acts on behalf of, and only on the instructions of, the relevant Controller.

Data Protection Officer (DPO)

Monitors internal compliance of an organisation, informs and advises on data protection obligations.

Data Subject

Data Subjects for the purpose of this policy include all living individuals about whom we hold Personal Data.

Data User

Data Users include employees, volunteers, governors whose work involves using Personal Data.

Information Commissioner's Office (ICO)

Independent public body responsible for ensuring compliance with the UK's data protection regulations by providing guidance, investigating breaches of the regulations and dealing with complaints.

Parent

Parent has the meaning given in the Education Act 1996 and includes any person having parental responsibility or care of a child

Personal Data

Any information relating to an identified or identifiable natural person, which could be as simple as a name or a number, or which could include other identifiers e.g. date of birth, photo, IP address etc.

Personal Data Breach

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data.

Privacy by Design

Implementing appropriate technical and organisational measures in an effective manner to ensure compliance with the GDPR

Processing

Any operation which is performed on Personal Data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, erasure or destruction.

Special Category Data

Personal Data revealing or concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data (where used for identification purposes), health and sexual orientation.

Subject Access Request (SAR)

A formal request from a data subject for information, including Personal Data, which an organisation holds about them.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and 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.

If you have any questions about this privacy notice, please contact Haydn Walsh (walshh@simonballe.herts.sch.uk).