

Privacy Notice - Governing Body, Trustees and Volunteers

This privacy notice explains how we collect, store and use personal data about **individuals working with our trust in a voluntary capacity, including governing board members/trustees.**

It provides a guide to trustees, members and volunteers about our legal obligations and their own rights. Like any organisation which handles personal data, the HMFA trust is defined as a 'Data Controller' and, as such, we are registered with the ICO (Information Commissioner's Office) and we comply with the Data Protection Act. and UK General Data Protection Regulation.

Who processes your information?

HMFA is the organization which oversees your personal information. This means that HMFA is called the 'Data Controller'. The postal address for HMFA, Lord Scudamore Academy, Friars Street, Hereford, HR4 0AS. You can speak to us or you can leave a letter at reception or send one by post or email by emailing school email address. You can also email our Data Protection Officer SchoolPro TLC Limited using the email address dpo@schoolpro.uk

The Categories of Governance Information That We Process Include:

- **Personal information (such as name, addresses)**
- **References**
- **Evidence of qualifications**
- **Governance details (such as role, start and end dates and governor ID)**
- **Employment information (such as references, start dates, roles held)**
- **Qualifications**
- **Business and pecuniary interests**

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- **Special categories of data including characteristics information such as gender, age, ethnic group**
- **Medical information (such as disabilities, allergies, illnesses, dietary requirements, accidents and first aid records, etc.)**
- **Attendance information (such as number of absences, absence reasons, etc.)**
- **Records of concerns about governor welfare and/or wellbeing**
- **Photographs and CCTV images captures in school**

Why We Collect this Data

The personal data collected is essential, in order for the school to fulfil their official functions and meet legal requirements. We collect and use governor information, for the following purposes:

- to meet the statutory duties placed upon us
- establish and maintain effective governance
- meet statutory obligations for publishing and sharing governance details
- facilitate safe recruitment, as part of our safeguarding obligations towards pupils

- undertake equalities monitoring
- ensure that appropriate access arrangements can be provided for volunteers who require them
- and to comply with the law with regards to data sharing.

Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you. You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us.

Use of your personal data in automated decision making and profiling

We do not currently process any governing board members/trustees or other volunteers' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

Our lawful basis for using this data

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

(6a) Consent: employees and others who work in the school have given clear consent for us to process their personal data for the purposes indicated above.

(6c) A Legal obligation: the processing is necessary for us to comply with the law.

(6d) A duty to safeguard pupils: the processing is necessary in order to protect the vital interests of the data subject (children); (e.g. we are required to have evidence that staff have DBS clearance).

(6e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

The lawful bases for processing personal data are set out in Article 6 of the UK General Data Protection Regulation.

Special Categories of data are set out in Article 9 of the UK General Data Protection Regulation. The school will work within the conditions of [GDPR - Article 9 of the UK GDPR](#):

(9.2a) explicit consent. In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing. Examples of our processing include staff dietary requirements, and health information we receive from our staff who require a reasonable adjustment to access our site and services.

[\(9.2b\)](#) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

(9.2c) where processing is necessary to protect the vital interests of the data subject or of another natural person. An example of our processing would be using health information about a member of staff in a medical emergency.

(9.2f) for the establishment, exercise or defence of legal claims. Examples of our processing include processing relating to any employment tribunal or other litigation.

(9.2g) reasons of substantial public interest. As a school, we are a publicly funded body and provide a safeguarding role to young and vulnerable people. Our processing of personal data in this context is for the purposes of substantial public interest and is necessary for the carrying out of our role. Examples of our processing include the information we seek or receive as part of investigating an allegation.

(9.2j) for archiving purposes in the public interest. The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – archiving. An example of our processing is the transfers we make to the County Archives as set out in our Records Management Policy.

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.

Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

Collecting Governance Information

We collect personal information via governor contact form via Governor Hub.

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.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

Storing Governance Information

Personal data is stored in accordance with our data protection policy (GDPR). We maintain a file to store personal information about all volunteers. The information contained in this file is kept secure and is only used for purposes directly relevant to your work with the school.

We hold member, director/trustee, governor and clerk data for the length of time that the individual serves or until they resign plus 12 months. The school website must include stipulated information on directors/trustees/governors and associate members who have served in the last 12 months; (name, category of director/governor, term of office, appointed by, any office held [such as chair, vice-chair, safeguarding lead], summary of relevant business interests, attendance at meetings, name and school contact address for the chair of the trust board). 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 see our Data Protection Policy by visiting <https://hmfa.org.uk/information/policy-documents/>

Who We Share Governance Information With

We routinely share this information with:

- Our Local Authority– to meet our legal obligations to share certain information with it, such as safeguarding concerns
- The Department for Education (DfE) through Get Information about Schools (GIAS)
- Ofsted
- Companies House
- Suppliers and service providers:
 - Our auditors
 - Health authorities
 - Security organisations
 - Professional advisers and consultants
 - Charities and voluntary organisations
 - Police forces, courts and tribunals

Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies:

- App or cloud server providers

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

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.

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](#)

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 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 the school office or our Data Protection Officer SchoolPro TLC Limited using the email address dpo@schoolpro.uk

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 the school office.

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 30/06/23

Contact

If you would like to discuss anything in this privacy notice, please contact our data protection lead: Jo Brace jbrace@ls.hmfa.org.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
- 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>

Document Version Control Log

Version	Date	Description of changes and person/organisation responsible
2.0	30/04/2020	Text updated in 'Why We Collect and Use Workforce Information' to reflect Article 10 for processing criminal offence data and link to Data Protection Policy for conditions of processing in Schedule 1 of the Data Protection Act 2018.
2.1	26/02/2021	Text updated to reflect end of Brexit transition and updates references from the General Data Protection Regulation (GDPR) to the UK General Data Protection Regulation (UK GDPR). (SchoolPro TLC)