



PRIVACY NOTICE FOR MEMBERS, TRUSTEES AND GOVERNORS

Attain Academy Partnership (herein referred to as the 'Trust') is the Data Controller for the purpose of data protection law. The 'Trust' comprises of Bocking Primary School, Cressing Primary School, de Vere Primary School, Elm Hall Primary School, Gosfield Community Primary School, Newlands Spring Primary & Nursery School and Rayne Primary & Nursery School (herein referred to as the 'Academy').

This privacy notice explains how we collect, store and use personal data about members, trustees and governors.

1. Introduction

Under data protection law, individuals have a right to be informed about how the academies within 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.

Attain Academy Partnership, is the 'data controller' for the purposes of data protection law. This privacy notice explains how we collect, store and use personal data about members, trustees and governors in our Trust. We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by its employees and service providers in the performance of their duties. Please see below for details of our Data Protection Officer.

The headteacher / head of school in each Academy is responsible for ensuring that their Academy complies with Trust's policies and procedures in relation to Data Protection. This policy has been written with consideration given to working practices. By adopting this policy, a reduction in workload has been facilitated by reducing the need for individual academies to interpret the policy locally.

2. The categories of personal information that we collect, hold and share

Personal data that we may collect, use, store and share (when appropriate) about members, trustees and governors includes, but is not restricted to:

- Personal information (such as title, name, addresses, email address, telephone contact details, date of birth, occupation)
- Current governance positions (types of role appointed to, any positions held on academy board and term of office)
- Previous governance positions (types of role appointed to, any positions held on academy board, term of office served and reasons for resignation / suspensions)
- Training records
- Signed Codes of Conduct, Declaration of Eligibility and Register of Business and Pecuniary Interest forms.
- Information provided by individuals as part of an application form to facilitate the appointment procedure including any references that may be taken
- Images such as photographs, and CCTV footage
- Disclosure and barring Service (DBS) Checks
- System and building access records
- Data about your use of the information and communications systems in the academy
- Outcomes of any disciplinary and/or grievance procedures

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

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Disability and access requirements

3. Why we collect and use personal information

The purpose of processing this data is to help us run the Trust to:

- Establish and maintain effective governance of the Trust / Academy
- Comply with the statutory requirement for recording governance within the Academies Financial handbook, Funding Agreement, Articles of Association and Get Information About Schools on the DfE database. This includes recording of names, term of office dates, attendance at meetings, which is also published on the trust and / or Academy website.
- Provide appropriate statutory advice and guidance
- Deliver governor advice, guidance, information and training
- Facilitate safer recruitment, as part of our safeguarding obligations towards pupils
- Ensure that appropriate accessibility arrangements can be provided for members, trustees and governors who require them
- Respond to investigations from our regulators or to respond to complaints raised by our stakeholders
- in connection with any legal proceedings threatened or commenced against the Trust and / or Academy
- Ensure receipt of information from the LA to facilitate the role of trustee / governor

4. The lawful basis on which we use this information

We collect and use personal information about members, trustees and governors under the following legal bases:

1. Public interest: The Trust relies on public interest for most of the ways in which it uses personal information.
2. Legal obligation: This means processing is necessary in order to comply with a statutory obligation, for example
 - to comply with the Equality Act 2010
 - to comply with DfE statutory guidance [Keeping Children Safe in Education](#) as required by Section 7 in part 3 of [The Education \(Independent School Standards\) Regulations 2014](#) which applies to academies
 - to comply with statutory school governance regulations
3. Legitimate interests: This means that processing is necessary for legitimate interests of the Trust except where processing is unfair to the individual. The Trust relies on legitimate interests when performing non-public tasks. Specifically the Trust has a legitimate interest in promoting objects and interests of the Trust and its academies. This includes fundraising.
4. Vital interests: This means processing was necessary to protect the vital interest of you (or someone else’s interests) in an emergency, for example to prevent serious harm or death.
5. Consent: The Trust may ask for consent to use personal data in other ways not covered by (1) to (4) above. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of personal information before you withdraw your consent remains valid.

The Trust must also comply with an addition condition where it processes special categories of personal information (Article 9 of the GDPR). These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, health information, and information about sex life or orientation. This information will be used under the following bases:

1. Legal obligation: This means processing was necessary to fulfil a legal obligation as detailed above.
2. Public Interest: This means processing was necessary for reasons of substantial public interest.
3. Vital interests: This means processing is necessary to protect the vital interests of the individual where the person is physically or legally incapable of giving consent.
4. Legal claim: This is where processing is necessary for the Trust, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
5. Medical purposes: This is where processing is necessary for medical treatment and the management of healthcare services
6. Consent: This is where explicit consent has been given for the processing of personal information for one or more specified purposes. This will not include purposes prohibited under Data Protection Laws.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds, which justify our use of your data.

5. Collecting personal information

The majority of personal information is collected when the individual applies to be a member, trustee or governor at the Trust.

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us. In order to comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, we will inform you whether you are required to provide certain personal information to us (and if so, what the possible consequences are of not complying) or if you have a choice in this at the point it is collected.

We collect this information in a variety of ways. For example, data is collected through application forms; from forms completed by you at the start of or during your term(s) of office; computer records; signing in/out records; CCTV footage; from your passport or other identity documents such as your driving licence; from correspondence with you; or through interviews or meetings.

CCTV cameras are used for security purposes and for the protection of staff and pupils. Their use is governed by our CCTV policy. CCTV footage will only be processed to the extent that it is lawful to do so.

In some cases, we collect personal data about you from third parties. For example, references supplied on your behalf and/or information from criminal records checks (known as DBS checks) permitted by law.

6. How long do we keep your personal information?

Personal data is stored in a range of different places, including the Trust governance file, single central records, and in IT systems (including the filtering logs, Trust's email systems) where applicable. 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.

The information is kept secure and is only used for purposes directly relevant to your governance work with the Trust / Academy, or for audit and census information.

Personal data is stored in line with the Data Protection Policy and only used for purposes directly relevant to your work with the Trust. We do not store personal data indefinitely; personal data is kept for as long as necessary to fulfil the purposes for which it was collected for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements.

Details of retention periods for the different categories of personal data are available in our Data Retention Policy on the Trust website. When your relationship with the Trust has ended, we will retain and dispose of your personal information in accordance with our Data Retention Policy.

7. Who we share personal information with

We use a range of companies and partners, known as Third Party Contractors, to either store personal information or to manage it for us. Where we have these arrangements due diligence is taken to ensure that the organisation complies with data protection law.

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

- Government departments or agencies – to meet our legal obligations to share information
- Our local authority – to meet any legal or statutory requirements
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as governor / trustee support
- Professional advisers and consultants
- Employment and recruitment agencies = as necessary on the performance of contracts with them
- Police forces, courts in order to uphold law and order
- Third Party Contractors, such as Education Services Solution (ESS) Ltd, edufocus Ltd, and CPOMS Systems Ltd. A full and up to date list for each Academy can be found at any time on the Academy's website.

In the event that we share personal data with third parties, we will provide the minimum amount necessary to fulfil the purpose for which we are required to share the data. We do not sell personal data to any organisation for the purposes of selling products.

8. Why we share personal information

We do not share information about you with anyone without consent unless the law and our policies allow us to do so. Most commonly information is shared with on a legal and public interest basis. In certain instances we may also share information on a consent basis. When you give your consent for your personal information to be held and/or shared for any purpose you can withdraw that consent at any time by contacting the Data Protection Officer (See contact details below).

We may still share your information if we believe that someone is at risk. However, the risk must be serious before we go against your right to confidentiality. If this is the case, we will ensure that we record what information we shared and our reasons for doing so. We will let you know what we have done and why as soon as or if we think it is safe to do so.

9. Transfer of personal information outside of the EU

We do not share or store data in countries with no UK-equivalent privacy law protections. If we were to receive a request to send information outside of the UK, additional protection will be applied to the data and where the recipient country is not seen as 'safe' by the UK government, advice will be sought from the Information Commissioners Office prior to the data being sent.

10. Requesting access to your personal data

Individuals have the following rights under data protection legislation in relation to the processing of their data. You have the right to:

- Be informed about how the Trust and / or the Academy uses your personal data. This notice fulfils this obligation.
- Access the personal data the Trust and / or the Academy holds about them. When we receive a request in writing, we must normally give you access to everything we have recorded about you. However, we will not let you see any parts of your record which contains:
 - Confidential information about other people
 - Data that an information professional thinks will cause serious harm to your or someone else's physical or mental wellbeing
 - Data that may adversely affect the prevention or detection of crime if it were disclosed to you
- Change information you believe to be inaccurate. We may not always be able to change or remove information you disagree with however we will correct factual inaccuracies and may include your comments in the records.
- Be forgotten. In certain circumstances you can request the erasure of personal information used by the Trust however this does not extend to using your personal data where:
 - It is required by law
 - It is used for exercising the right of freedom of expression
 - It is in the public interest in the area of public health
 - It is for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes where it would seriously affect the achievement of the objects of the processing
 - It is necessary for the establishment, defence or exercise of legal claims.

Where personal information has been shared with others, we will make every reasonable effort to ensure those using your personal data comply with your request for erasure.

- Restrict what your information is used for. You may restrict its use when one of the following apply:
 - You have identified inaccurate information, and have notified us of this
 - Where using the information is unlawful and you wish to restrict rather than erase the information
 - Where you have objected to us using the information, and the legal reason for us using your information has not yet been provided to you.

When information is restricted it cannot be used other than to securely store the data, and with your consent, to handle legal claims, protect others or where it is important public interests of the UK

You have the right to request that the Trust / Academy stop using your personal data for some services. However, if this request is approved it may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request, but we may need to hold or use information in connection with one of more of our legal functions.

You have the right to prevent processing for the purpose of direct marketing.

- Object to decisions being taken by automated means (by a computer and not human) unless it is required for any contract you have entered into, required by law, or you have consented to.
- Object to being profiled. Profiling is where decisions are being made based on certain things in your personal information. If and when the Trust / Academy uses your personal information to profile you, you will be informed.

If you would like to exercise these rights, contact the Data Protection Officer (See Contact details below).

These rights are further explained in our Data Protection Policy available in the Data Protection section on our website. Anyone wishing to exercise these rights may do so by contacting the academy office or our Data Protection Officer. **Please see the ‘Contacts’ section below.**

11. Use of your personal data in automated decision making and profiling

We do not currently process any 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.

12. 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. 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. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting dpo@attain.essex.sch.uk.

13. Complaints

We take any complaints about our collection and use of personal information very seriously. 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 the academy in the first instance.

If you would like to make a complaint, please contact our Data Protection Officer (See Contact details below).

If you still have concerns following our response you have the right to raise the matter directly with the Information Commissioner’s Office:

Online	https://ico.org.uk/concerns/
Postal Address	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



Email	https://ico.org.uk/concerns/handling/
Phone Number	0303 123 1113

14. Contact

If you would like to discuss anything in this privacy notice or make a Subject Access Request, please contact the Data Protection officer

Data Protection Officer	Mrs Ellwood
Postal Address	Attain Academy Partnership, c/o Newlands Spring Primary and Nursery School, Dickens Place, Chelmsford CM1 4UU
Email	DPO@attain.essex.sch.uk

Please ensure you include the name of the Academy in all correspondence with the DPO

15. Last updated

We may need to update the privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **5 April 2022**.