



Smith's Wood Primary Academy Privacy Notice for Members & Trustees – How we use your information

2023/2024

Who are we?

Smith's Wood Primary Academy is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Smith's Wood Primary Academy is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: ZA061973

You can contact the Academy Trust as the Data Controller in writing at:

Smith's Wood Primary Academy
Burtons Way
Smith's Wood
Birmingham
B36 0SZ

or by email : s48jmccarron@smithswoodpri.solihull.sch.uk

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our staff.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What personal information do we process about Members/Trustees/Governors.

The categories of Member/Trustee/Governor information that we collect, hold and share include:

- personal information such as name, any former names, address, date of birth, occupation
Trustees only, nationality, telephone and email contact details,
- Records of Business and Pecuniary Interests
- Information from your References

- Evidence of any relevant qualifications
- Disclosure and Barring Service Certificate number and start date
- Self assessment skills audit
- Personal profiles provided for Trust/School website
- Photographs

We may also collect, use, store and share (when appropriate) information that falls into “special Categories” of more sensitive personal data. This includes:

- Information about any health conditions you have that we need to be aware of
- Information about disability and access requirements.
- Information relating to criminal convictions and offences.
- Photographs and CCTV footage captured in school.

We may also hold data about that you that we have received from other organisations, including other schools and social services, and the disclosure and Barring Service in respect of criminal offence data.

For what purposes do we use personal information?

We use Member/Trustee/Governor data to:

- Establish good governance
- Fulfill statutory obligations
- Facilitate safe recruitment, as part of our safeguarding obligations.
- Undertake equalities monitoring
- Communicate relevant information to individuals or groups or Boards or Local Governing Bodies for the purpose of them carrying out their roles and responsibilities as a Member/Trustee
- Ensure that appropriate access arrangements can be provided to volunteers who require them

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 (see ‘Contact us’ below).

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.

Collecting Member/Trustee information

Whilst the majority of Member/Trustee information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain Member/Trustee information to us or if you have a choice in this.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. Data Protection law sets out the lawful reasons we have to process your personal information and these are as follows:

1) To comply with the law

We collect and use general purpose staff information in order to meet certain legal requirements and legal obligations placed upon the school by UK law. We therefore have the right to process your personal information for such purposes without the need to obtain your consent.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

3) With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information is processed in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

4) To perform a public task

It is a day-to-day function of the Academy Trust to ensure that Members/Trustees receive the training and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that Members / Trustees Boards are properly supported and able to fulfil their role and responsibilities.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Necessary for carrying out obligations and exercising specific rights in relation to employment and social security and social protection law
- 3) Processing relates to personal data which is manifestly made public by the data subject
- 4) Necessary for establishing, exercising or defending legal claims
- 5) Necessary for reasons of substantial public interest
- 6) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health

7) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of sensitive category personal information that we process is set out in the tables attached.

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

Who might we share your information with?

We routinely share Member/Trustee information with:

- Local Authorities
- the Department for Education (DfE)
- Companies House (Member/Trustees only)
- Academy Trust Members and Trustees (Members/Trustees)
- Local Governing Bodies
- Our regulator
- Suppliers and service providers – e.g., HR, Catering, Training
- Our Auditors
- Health authorities
- Security organisations
- Professional advisors and consultants
- Charities and Voluntary Organisations
- Law enforcement officials, e.g., police, courts, tribunals

We do not share information about our Members/Trustees unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

What do we do with your information?

All personal information is held in a manner which is compliant with Data Protection legislation. Personal information is only processed for the purpose it was collected. The Academy monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

How long do we keep your information for?

In retaining personal information, the Academy complies with the Retention Schedules provided by Solihull Local Authority. The schedule sets out the Statutory Provisions under which the Academy are required to retain the information.

Transferring data internationally

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.

What are your rights with respect of your personal information?

Under data protection law, Members/Trustees have the right to request access to information about them that we hold. To make a request for your personal information contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
 Warwickshire Legal Services
 Warwickshire County Council
 Shire Hall
 Market Square
 Warwick
 CV34 4RL

****Please ensure you specify which school your request relates to.**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern 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/>

Review

The content of this Privacy Notice will be reviewed in September 2024

Table 1 – Personal information we are required to process to comply with the law:

Information Type	Relevant legislation	Special Category– additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Name	Companies Act 2006 & Academies Act 2010		Companies House DfE DBS provider School website	Statutory Requirement
Address	Companies Act 2006 & Academies Act 2010		Companies House DfE DBS provider	Statutory Requirement
Date of Birth	Companies Act 2006 & Academies Act 2010		Companies House DfE	Statutory Requirement

			DBS provider	
Nationality	Companies Act 2006 & Academies Act 2010		Companies House DfE	Statutory Requirement
Occupation	Companies Act 2006		Companies House DBS provider	Statutory Requirement

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Medical Information	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent’	Medical staff i.e. paramedics / ambulance	Vital Interest
Religious belief	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent’	Medical staff i.e. paramedics / ambulance	Vital Interest

Table 3 - Personal information we are required to process with the consent of the individual to whom that information ‘belongs’

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
N/A			

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Name		Local Authority	Public Task (to establish email address on secure server)
Name		Public Record	Public Task (to comply with statutory guidance)
Personal Information (Address / Date of Birth / contact information)		Companies House / DBS service	
Record of Business Interest		Public record	Public Task (to comply with statutory guidance)
Skills audit		Auditors/DFE/ Audit provider	Public Task (to comply with statutory guidance)