

GENERAL TEACHING COUNCIL FOR SCOTLAND

Privacy Notice for GTC Scotland Governance and Member Support Services (*GTC Scotland Council Members, Pre-appointments Committee Panel Members, Appointments Committee Members, Fitness to Teach and Education Panel Members, Legal Assessors*)

This is the Privacy Notice ("Notice") of the General Teaching Council for Scotland ("GTC Scotland")¹ for governance processes and member support services relating to the GTC Scotland Council, Committees and Panels and should be read in conjunction with the GTC Scotland General Privacy Notice which is available on our website.

Our email address in respect of this Notice is informationgovernance@gtcs.org.uk. Any enquiries relating to the processing of personal data by GTC Scotland, including matters arising from this Notice, should be addressed to our Data Protection Officer at informationgovernance@gtcs.org.uk. If email is not available to you then please write to our Data Protection Officer at:

General Teaching Council for Scotland
Clerwood House
96 Clerwood Road
Edinburgh
EH12 6UT

WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE?

GTC Scotland is committed to protecting the privacy and security of the data of recruited, appointed, elected or nominated persons as listed below. This Notice describes how we collect and use personal data about you during and after your working relationship with us, in accordance with the UK General Data Protection Regulations ("GDPR"). This Notice applies to the personal data being processed by GTC Scotland in respect of all those who are:

- **GTC Scotland Council Members**
- **Pre-appointments Committee Panel Members**
- **Appointments Committee Members**
- **Fitness to Teach and Education Panel Members**
- **Fitness to Teach Legal Assessors**

As a data controller, GTC Scotland is responsible for making decisions about how, and the purposes for which, we process your personal data. We are required under data protection legislation to notify you of the information contained in this Notice. It is important that you read this Notice, together with any other privacy notice we provide on specific occasions when we are collecting or processing personal data about you, so that you are aware of how and why we are using such information.

This Notice does not form part of any contract of employment or other contract to provide services. We may update this Notice at any time.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this Notice at any time and we will provide you with a new privacy notice through the GTC Scotland website 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.

HOW DOES GTC SCOTLAND COLLECT YOUR PERSONAL DATA?

We collect personal data about you through information that we receive from you when you become involved with GTC Scotland during the recruitment, appointment, election or nomination process and through contact with you during your term of office with GTC Scotland. We may sometimes collect additional information from third parties including referees, proposers/seconders and background check agencies.

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We consider that we may need to process some of the categories of personal data as detailed in the GTC Scotland General Privacy Notice (under the section "Category of Personal Data" we process about you) in relation to you, primarily to allow us to perform our statutory functions. In some cases, we may use your personal data to pursue legitimate interests of our own or those of third parties, but only in respect of functions which do not fall within our public authority functions. Purposes for which we expect to process your personal data are listed in the table below, setting out the category of personal data, the lawful basis for processing and the time-period for which we will retain that data in respect of each category of individual:

Purpose/Activity	Category of personal data	Lawful basis for processing including basis for legitimate interest	Retention period or criteria to determine retention period
To make compensation and expenses payments to members.	Identity data	Necessary for the performance of a public task in the interest or exercise of official authority vested in GTC Scotland.	When the term comes to an end.
To ascertain accessibility and dietary requirements for members whilst attending in person meetings or hearings.	Special category data including information about health conditions, disabilities and religion	Written consent given by members.	When the term comes to an end.
To facilitate members' knowledge about each other's background, experiences and skills; biographical details and statement of interest and aims shared with other Council Members (Council only).	Identity data; professional data	Written consent given by members.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To manage current and archived members lists.	Identity data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).

To display pictures of members to be shown on the website (Council only).	Identity data; image data	Written consent given by members.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To maintain a Register of Interest (Council only).	Identity data; professional data; financial data; special category data including information about Trade Union membership	Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC Scotland.	1 year from replacement.
To maintain a list of contact details for members.	Identity data; contact data	Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC Scotland.	8 years.
To facilitate the election of Council Members (Council only).	Identity data; contact data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To manage and fill Convener and Vice Convener vacancies which arise (Council only).	Identity data; contact data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To identify which nominated members fill the positions on the Council (Council only).	Identity data; contact data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To appoint members and conveners of Fitness to Teach and Education Panels.	Identity data; contact data; professional data; special category data including information about criminal convictions or charges	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To appoint members of Council and the Appointments Committee.	Identity data; contact data; special category data including information	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the

	about criminal convictions or charges		National Records of Scotland (NRS).
To formally offer members an official term of office with GTC Scotland.	Identity data; contact data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To monitor the performance and development of members.	Identity data; professional data	Necessary to comply with legal obligation.	Until term of office expires.
To record the attendance of Council Members at meetings.	Identity data; contact data; professional data	Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC Scotland.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To manage the Council's business and to keep a record of meetings which take place.	Identity data	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To check your suitability for term of office.	Personal data; financial data; professional data; special category data including information on criminal convictions and offences and any information relating to fitness to practice, professional/regulatory or other similar proceedings	Necessary to comply with legal obligation.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).
To comply with the Equalities Act, enable equal opportunities monitoring and reporting, provide statistical data.	Special category personal data: race, ethnicity, religious beliefs, sexual orientation, disability	Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC Scotland.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).

To appoint Legal Assessors to the Fitness to Teach process.	Personal data; special category data: race, ethnicity, religious beliefs, sexual orientation, disability	Entering into a contract with you. Necessary to comply with legal obligations.	One year from notifying unsuccessful applicants of the outcome. Six months after the conclusion or termination of an appointment.
To comply with the law of Scotland in relation to charities, in particular the Charities and Trustee Investment (Scotland) Act 2005, as amended from time to time, enabling OSCR to retain charity trustees' details for regulation and to have charity trustees' names published on the Scottish Charity Register.	Identity data; contact data; professional data	Necessary to comply with legal obligation. <i>(Individual trustees will be able to apply for their name not to be published. OSCR grants an exemption to a small number of individuals who are able to prove that publication of their name is likely to affect the safety or security of any person or premises.)</i>	These details are retained for 20 years by GTC Scotland. OSCR has stated they will securely retain the data but has not specified the duration. First and last names of charity trustees will be published on the Scottish Charity Register.
To schedule and prepare for meetings in line with the obligations presented to Members and Legal Assessors.	Identity data; contact data; professional data	Entering into a contract with you. Necessary to comply with legal obligations. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC Scotland.	These are retained for 20 years then stored in permanent archives at the National Records of Scotland (NRS).

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

EQUALITY REPORTING AND MONITORING

GTC Scotland will collect anonymised information during the recruitment, appointment, election and nomination process for the purposes of reporting and monitoring equal opportunities in compliance with the Equality Act.

INFORMATION ABOUT CRIMINAL CONVICTIONS/CRIMINAL CHARGES

GTC Scotland has a responsibility to undertake certain checks during the recruitment, election,

appointment or nomination process. As part of this, you will have disclosed whether or not you have any unspent criminal convictions or criminal charges. This information allows the relevant GTC Scotland Officer and/or Appointments Committee (where applicable) to assess any disclosed unspent criminal convictions in order to consider your suitability for the role.

A person is disqualified from becoming a member of Council, or being appointed as an appointee, if the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) is satisfied that it is just to do so for reasons outlined in the Code of Conduct and Membership Scheme.

All Council and appointed members will be required to become PVG Scheme members. On receipt of the PVG the details will be logged including name, date received, result and any minor convictions such as speeding. A formal term of appointment may be withdrawn if a member/applicant is found to have a more serious conviction. Any paperwork relating to an instance such as this will be retained for four years from the conclusion of the Appointments Committee decision. If during a term of office, a situation occurs where a conviction is declared a person may be removed from office. The Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) may decide that an applicant or candidate should not be considered disqualified where it determines that there is just cause to do so.

REGULATORY BODY PROCEEDINGS

You will be asked to disclose if any disciplinary proceedings have been taken against you (or if any action is pending) by any professional or regulatory body that you are, or have been, registered with.

In respect of unsuccessful applicants and/or those who do not take up a term of office with the GTC Scotland, all information relating to Regulatory Body Proceedings will be destroyed after one year.

In respect of successful applicants and those who take up a term of office with the GTC Scotland, all information will be retained for 20 years after the date on which your term of office with GTC Scotland commences.

A formal term of appointment may be withdrawn if an applicant is found to have proceedings with another regulator. If during a term of office, a situation occurs where a proceeding with another regulator is declared a person may be removed from office. In this instance, the information would be retained for a 20-year period from the date on which your term of office with GTC Scotland commences.

IF YOU FAIL TO PROVIDE YOUR PERSONAL DATA

If you fail to provide certain information when requested, we may not be able to contact you in relation to your GTC Scotland role.

CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it. We may, on occasion, need to use your data for another reason, but only where that reason is compatible with the original purpose. If we need to use your personal data 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 data without your knowledge or consent. However,

be assured that we will only do this where the purpose for processing is in compliance with the above rules, where this is required or permitted by law.

Your rights under data protection legislation

- 1) To obtain access to, and copies of, the personal data we hold about you. Further information on how to make such an application can be found on our website;
- 2) To require that we cease processing your personal data if the processing is causing you damage or distress;
- 3) To require us not to send you marketing communications;
- 4) To request that we erase your personal data;
- 5) To request that we restrict our data processing activities in relation to your personal data;
- 6) To receive from us the personal data we hold about you, which you have provided to us, in a reasonable format specified by you, including for the purpose of transmitting that personal data to another data controller;
- 7) To require us to correct the personal data we hold about you if it is incorrect; and
- 8) To withdraw your consent for the specific processing of your name and email address at any time.

HOW TO COMPLAIN

If you have any concerns about our use of your personal information, you can make a complaint to us using the contact details referenced in this Privacy Notice. You can also complain to the Information Commissioner's Office (ICO) if you are unhappy with how we have used your data.

The ICO's address:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: www.ico.org.uk