

GENERAL TEACHING COUNCIL FOR SCOTLAND

Privacy Notice for Applications for Registration

This is the Privacy Notice (“Notice”) of the General Teaching Council for Scotland (“GTCS”)¹ for applicants for registration and should be read in conjunction with the GTCS General Privacy Notice which is available on our website.

Our email address in respect of this Notice is dataprotection@gtcs.org.uk. Any enquiries relating to the processing of personal data, including matters arising from this Notice, should be addressed to our Data Protection Officer at dataprotection@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?

GTCS is committed to protecting the privacy and security of individuals who submit applications for registration. This Notice describes how we collect and use personal data about you including any information we receive within references in support of your application provided during the GTCS application process in accordance with the General Data Protection Regulations (“GDPR”). This Notice applies to personal data being processed by GTCS in respect of the following:

- Applications for Registration - Qualified in Scotland
- Applications for Registration – Qualified Outside of Scotland
- Applications for Registration - Further Education
- Applications for Registration in Additional Support Needs (ASN)
- Applications for Registration – Independent Schools
- Applications for Re-Registration
- Applications for Additional Registration
- Applications for Instrumental Music Instructor Affiliate Membership

As a data controller, GTCS is responsible for making decisions about the means by which, 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.

¹ GTCS is a statutory body with its headquarters based at Clerwood House, 96 Clermiston Road, Edinburgh EH12 6UT. It is a data controller in terms of data protection law (under the EU General Data Protection Regulation and the Data Protection Act 2018).

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this Notice at any time and we will provide a new privacy notice through the GTCS 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 GTCS COLLECT YOUR PERSONAL DATA?

We collect personal data about you in a number of ways throughout the application process, either directly from you or sometimes from third party, for example, from an education institution, from an employer or former employer, from a referee or a background check provider. We may sometimes collect additional information from other third parties in accordance with the law and where necessary to do so, such as other partner regulators in the UK and elsewhere, justice agencies and Board of School Governors.

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 GTCS 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
Application for Registration			
Making a decision about your application for registration.	Identity data Contact data Professional data Special category data, including criminal offences and convictions, sentences and information from PVG scheme application (including results and case correspondence)	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	If awarded registration, until notification of the death of the applicant or 50 years from the date of the removal of registrations (whichever is earliest). If not awarded registration or application is withdrawn, the data will be retained for 1 year.
Collating referee reports to assist in the process around making a decision about your application for registration	Identity data Contact data Professional data	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official	If awarded registration, until notification of the death of the applicant or 50 years from the date of the removal of registrations (whichever is earliest).

where your provisional registration timeframe has lapsed, or if you never registered with GTCS after you qualified.		authority vested in GTCS. Necessary for reasons of substantial public interest.	If not awarded registration or application is withdrawn, the data will be retained for 1 year.
Reviewing the endorsement of application completed by Head Teacher or Line Manager in support of your application for Affiliate Membership.	Identify data Contact data Professional Data	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	If awarded registration, until notification of the death of the applicant or 50 years from the date of the removal of registrations (whichever is earliest). If not awarded registration or application is withdrawn, the data will be retained for 1 year.
PVG Documentation			
To process PVG and EPVG documentation as part of the registration process.	Identity data Contact data	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	If awarded registration, until notification of the death of the applicant or 50 years from the date of the removal of registrations (whichever is earliest). If not awarded registration or application is withdrawn, the data will be retained for 1 year.
PVG Results - Positive results certificate and Negative results certificate	Special category data including information on criminal convictions and offences	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	If awarded registration, until notification of the death of the applicant or 50 years from the date of the removal of registrations (whichever is earliest). If not awarded registration or application is withdrawn, the data will be retained for 1 year.

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

IF YOU FAIL TO PROVIDE PERSONAL DATA

If you fail to provide certain information when requested, we may not be able to process your application for registration or accreditation, as we may be prevented from complying with our legal obligations or meeting other legal requirements in respect of such applications.

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.

WHO DO WE SHARE YOUR PERSONAL DATA WITH?

To allow GTCS to fulfil its statutory function or where we have another legitimate interest in doing so in relation to performing our statutory fitness to teach function, we may have to share your personal data with third parties such as:

- Your employer (eg. Local Authorities, Independent Schools and College Employers)
- Your representative
- Presenting Officers – Fitness to Teach cases
- Fitness to Teach Panel Members
- Fitness to Teach Panel Legal Assessors
- Police and other safeguarding organisations
- The Crown Office and Procurator Fiscal Service
- Other UK Teaching Councils namely Education Workforce Council (Wales), Teaching Regulation Agency, Teaching Council (Ireland) and the General Teaching Council for Northern Ireland.
- Other Registration and Regulatory Bodies
- International Forum of Teacher Regulatory Authorities members (IFTRA) and other recognised Standards and Teaching councils
- Scottish Funding Council
- Colleges Scotland
- College Development Network

Please note that this is not an exhaustive list and may be subject to change.

INFORMATION ABOUT ALLEGATIONS OF CRIMINAL OFFENCES, CRIMINAL CONVICTIONS, SENTENCES

As part of the application for registration process, we gather information relating to allegations of criminal offences, criminal convictions and sentences from the relevant authorities.

We may only use information relating to allegations of criminal offences, criminal convictions and sentences 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 and Registration

policies.

TRANSFERRING INFORMATION OUTSIDE THE EU

We will transfer the personal data we collect about you to a country outside the EU if that is where you are based/reside in order to perform our statutory functions. We will ensure that there is a high level of security around transferring your data to a country out with the EU including ensuring that this is only sent to an email address or means of contact provided by you.

If you make your application for registration online through the Qualified Outside of Scotland - Qualified in the European Union (EU)/European Economic Area (EEA) or Switzerland route, to allow the completion of an accurate assessment of your case, in line with European Directive 2005/36/EC, GTCS will contact the competent authority for teachers in your Home EU/EEA Member State to obtain clarification of your professional entitlements. To enable this check to be undertaken, GTCS will provide the relevant competent authority with a copy of your qualification in your native language.

Please note that the above may be subject to change following the outcome of Brexit discussions.