



WELLSPRING

We Make A Difference

## Governor & Trustee's Privacy Notice

### Introduction

Under data protection law, individuals have a right to be informed about how the Trust or its Academies 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. This privacy notice explains how we collect and use personal data about governors, board trustees & board members, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

We will also explain what rights you have with regards to your personal data and how you can exercise those rights.

We may change our privacy notice so please check this page from time to time, as your continued use of our services indicates your acceptance of any changed terms that may have occurred during the interim.

Throughout this notice any reference to Trustee is in respect of both those individuals classed as Members or Trustees in line with our articles of association. Any reference to Governors relates to those individuals who sit on local governing bodies.

You can find details on specific areas of our privacy notice in the sections below:

1. Who we are
2. Key Contact
3. The categories of personal data that we collect, process, hold & share
4. How is your personal information collected?
5. Lawful basis for processing
6. Special Category Data
7. How does this work in practice?
8. How we may disclose personal information
9. International Transfers
10. Storage, Retention & Disposal
11. Data Security
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## Responsibilities

The Trust Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to Wellspring Academy Trust and its Academies collecting/processing their personal data.

Wellspring Academy Trust and its Academies who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.

The personal data collected is essential, in order for the Trust and its Academies to fulfil its official functions and meet legal requirements.

### 1. Who we are

Wellspring Academy Trust is a Multi Academy Trust that operates across Yorkshire, Humber and Lincolnshire. Our group encompasses provision across Primary, Secondary, Alternative and Special sector areas.

### 2. Key Contact

Please read this notice carefully. In the event that you have any questions or concerns regarding the processing of your data you can contact:

Data Protection Officer: Matthew Lindsay

Email: [privacy@wellspringacademies.org.uk](mailto:privacy@wellspringacademies.org.uk)

Telephone: 07538 702148

### 3. The categories of personal data that we collect, process, hold & share

The categories of governance professional information that we process include:

- Contact details including postal address, email address & your telephone number
- Characteristics information including gender, age, marital status & ethnic group
- Role information such as start date, attendance, register of attendance at meetings and end date.
- Professional development information such as register of attendance at training events
- Minutes of meetings
- Accident and injury records
- Annual reports created under statutory requirements
- Photographs and Video images used for entry management systems and security
- CCTV Images
- Images used on academy or Trust website

We collect information from you for one or more of the following purposes:

- To meet the statutory duties placed upon us
- To provide support, training and development
- To ensure that our information systems and networks are being used in line with Trust policy
- To comply with the law regarding data sharing

- To manage compliments and complaints
- For the detection and prevention of crimes
- For the establishment, exercise or defence of legal claims

All local authority maintained school governing bodies, under [section 538 of the Education Act 1996](#) and academy trusts, under the [Academies Financial Handbook academy trust handbook](#) have a legal duty to provide the governance information as detailed above.

#### 4. How is your personal information collected?

We primarily collect personal information from you via the application process for the role of Governor or Trustee. In the event that you are appointed to the role we may collect subsequent data as part of your ongoing association with us.

During your application process the Trust will also conduct a search of the internet including social media accounts to comply with our statutory obligations contained within '[Keeping Children Safe in Education](#)'.

Governance role data is essential for the Trust'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.

#### 5. Lawful basis for processing

When processing your personal data we will rely on one of the following grounds as set out in Article 6 of UK GDPR:

- Public Task:** The main lawful basis used for the processing of personal data associated with your governance role is 'public task'.
- Legal Obligation:** Many of our record keeping requirements are set by parliament through statutory legislation.
- Vital Interests:** Sometimes we need to process data to protect the life of an individual.
- Consent:** There may be occasions when we seek your consent to process particular types of data.. Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. If you have changed your mind, or you are unhappy with our use of your personal data and cannot locate the contact details for your academy to withdraw your consent, please let us know by contacting the Trust Data Protection Officer (DPO) using the details in Section 2 of this privacy notice.

#### 6. Special Category Data

Under UK GDPR there are certain types of data that are recognised as needing greater protection due to its sensitive nature. We process some type of special category data such as **racial or ethnic origin, religious or philosophical beliefs, biometric data** and data concerning **health**. To process this type of data an organisation is required to identify an Article 9 exemption as well as an Article 6 lawful basis as set out in section 5 above.

The vast majority of special category data is processed under the *substantial public interest* exemption as we have a statutory basis for processing that type of data due to being legally required to comply with the DfE census returns for example.

## 7. How does this work in practice?

To assist with your understanding of how this all works in practice we have prepared a table below:

<b><u>The data being processed</u></b>	<b><u>Our lawful basis</u></b>	<b><u>What else we need to tell you</u></b>
Contact details including postal address, email address & your telephone number.	<b>Public Task</b>	
Characteristics information including gender, age, marital status & ethnic group.	<b>Public Task</b>	This includes special category data processed in line with exemption at Article 9(2)(g) and Schedule 1 paragraph 8 Data Protection Act 2018.
Role information such as start date, attendance, register of attendance at meetings and end date.	<b>Public Task</b>	
Professional development information such as register of attendance at training events.	<b>Public Task</b>	
Minutes of meetings.	<b>Public Task</b>	
Accident and injury records.	<b>Legal obligation:</b> Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	
Annual reports created under statutory requirements.	<b>Legal Obligation:</b> The Education (Governors' Annual Reports) (England) (Amendment) Regulations 2002	
Photographs and Video images used for entry management systems and security.	<b>Public Task</b>	
CCTV Images.	<b>Public Task</b>	As our academies are monitored by CCTV we will inevitably record some images that may be classed as special category data. Our Article 9 exemption for this data would be that processing is necessary for the establishment, exercise or defence of legal claims.
Images used on academy or Trust websites.	<b>Consent</b>	You have the right to withdraw your consent at any time

## 8. How we may share personal information

We sometimes need to share the personal information we process with the individual themselves, and also with other organisations. Where this is necessary we are required to comply with all aspects of the UK GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- Department for Education (DfE)
- Regulators (such as Ofsted)
- A subsequent school or education provider in the event of a reference request
- Charities
- Survey and research organisations
- Local Authorities applicable to the academy
- Central government including the “Get Information About Schools” service
- Companies House
- National Governance Association
- The Key Support Services Limited
- Security organisations
- Police forces, prison and probation services, courts and tribunals
- Information System Providers (such as Management Information Systems, Virtual Learning Environments, Catering Services Systems and Third Party e-learning Applications)

We do not share information about Governor’s or Trustee’s with any third party without consent unless the law and our policies allow us to do so.

Wellspring Academy Trust reserves the right to use or disclose any personal information as needed to satisfy any law, regulation or legal request, to fulfil your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety.

### Freedom of Information Requests

The Trust is designated as a public authority for the purposes of the Freedom of Information Act 2000. As a consequence we will periodically receive requests for information from members of the public and other organisations that we are legally obliged to respond to. The UK GDPR and the Data Protection Act 2018 exist to protect people’s right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy. These two aims are not necessarily incompatible but there can be a tension between them, and applying them sometimes requires careful judgement.

As a consequence of the above there are instances where the Trust may be legally required to disclose elements of your personal data in response to a freedom of information request. If such a situation arises the Trust Data Protection Officer may contact you directly, to provide you with an opportunity to raise any objections to the disclosure.

### Data Sharing with Department for Education

The Department for Education (DfE) collects personal data from educational providers and local authorities. We are required to share information about individuals in governance roles with the Department for Education (DfE) under the requirements set out in the [Academies Financial Handbook academy trust handbook](#)

All data is entered manually on the GIAS service and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see the 'How Government uses your data' section at Annex A of this document.

## **9. International Transfers**

A small number of data processors used by the Trust are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.

Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the Secretary of State.
- b. Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in the UK.

## **10. Storage, Retention & Disposal**

Wellspring Academy Trust will only store the minimum amount of personal data necessary to provide our services to you. Your data will be stored securely and will be subject to access controls.

Personal data will only be retained for as long as necessary. These periods vary depending upon the type of data. A full breakdown of the retention periods and the methods of disposal that we apply can be found in the Data Storage, Retention and Disposal Policy that can be accessed at <https://wellspringacademytrust.co.uk/about-us/policies-documents/>

All data will be disposed of in a secure and confidential manner. All electronic and physical data will be disposed of in such a manner that it cannot be reconstituted by any third party.

## **11. Data Security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way including alteration or disclosure. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal

information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the DPO.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **12. Your rights**

Under the United Kingdom General Data Protection Regulation 2018, you have the following rights:

### The right to be informed

As a data controller, we are obliged to provide clear and transparent information about our data processing activities. This is provided by this privacy notice and any related communications we may send you.

### The right to rectification

When you believe we hold inaccurate or incomplete personal information about you, you may exercise your right to correct or complete this data. This may be used with the right to restrict processing to make sure that incorrect/incomplete information is not processed until it is corrected.

### The right to erasure

Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data. This includes personal data that may have been unlawfully processed. We will take all reasonable steps to ensure erasure. This is also known as ‘the right to be forgotten’.

### The right to access

You may request a copy of the personal data we hold about you free of charge. Once we have verified your identity and, if relevant, the authority of any third-party requester, we will provide access to the personal data we hold about you as well as the following information:

- a) The purposes of the processing
- b) The categories of personal data concerned
- c) The recipients to whom the personal data has been disclosed
- d) The retention period or envisioned retention period for that personal data
- e) When personal data has been collected from a third party, the source of the personal data

If there are exceptional circumstances that mean we can refuse to provide the information, we will explain the same. If requests are malicious or manifestly unfounded we reserve the right to refuse them. If answering requests is likely to require additional time or occasions unreasonable expense (which you may have to meet), we will inform you.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the “*How Government uses your data*” section of this notice.

### The right to restrict processing

You may ask us to stop processing your personal data. We will still hold the data, but will not process it any further. This right is an alternative to the right to erasure. If one of the following conditions applies you may exercise the right to restrict processing:

- a) The accuracy of the personal data is contested.
- b) Processing of the personal data is unlawful.
- c) We no longer need the personal data for processing but the personal data is required for part of a legal process.
- d) The right to object has been exercised and processing is restricted pending a decision on the status of the processing.

#### The right to data portability

You may request your set of personal data be transferred to another controller or processor, provided in a commonly used and machine-readable format. This right is only available if the original processing was on the basis of consent, the processing is by automated means and if the processing is based on the fulfilment of a contractual obligation.

#### The right to object

The right to object to us processing certain types of information when:

- a) Processing is based on legitimate interest;
- b) Processing is for the purpose of direct marketing;
- c) Processing is for the purposes of scientific or historical research; or
- d) Processing involves automated decision-making and profiling.

The Information Commissioner's Office provides [more information](#) about these rights.

If you would like to contact us about any of these rights, please email us at [privacy@wellspringacademies.org.uk](mailto:privacy@wellspringacademies.org.uk) or write to us at:

Data Protection Officer  
Wellspring Academy Trust  
Digital Media Centre  
County Way  
Barnsley  
S70 2JW

We will respond to you within 30 days of receiving your request and you will not be charged for this service.

### **13. Complaints**

Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.

Should you feel unsatisfied with our handling of your data, or about any complaint that you have made to us about our handling of your data, you are entitled to escalate your complaint to a supervisory authority. For the UK, this is the ICO (Information Commissioner's Office), which is also our lead supervisory authority. The ICO's contact information can be found at <https://ico.org.uk/global/contact-us/>.



## 14. Annex A: How Government uses your data

The governance data that we lawfully share with the Department for Education (DfE) via GIAS will:

- increase the transparency of governance arrangements
- enable local authority maintained schools, academies, academy trusts and the Department for Education (DfE) to identify more quickly and accurately individuals who are involved in governance and who govern in more than one context
- allow the Department for Education (DfE) 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 (DfE) including the data that we share with them, go to <https://www.gov.uk/government/news/national-database-of-governors>

Some of these personal data items are not publicly available and are encrypted within the GIAS system. Access is restricted to authorised Department for Education (DfE) and education establishment users with a Department for Education (DfE) Sign-in account 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 for Education (DfE) unless the law allows it.

### How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of the [Data Protection Act 2018](#), you're entitled to ask the Department for Education (DfE):

- 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 for Education (DfE), you should make a subject access request (SAR). Further information on how to do this can be found within the Department for Education's (DfE) 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>