



# **General Data Protection Regulation (GDPR)**



## **A Guide To Your Rights**

## INTRODUCTION

### What is the General Data Protection Regulation (GDPR)?

The General Data Protection Regulation (GDPR) came into force on 25 May 2018. GDPR requires organisations to ensure that increased priority is given to the protection and security of personal information. GDPR increased the rights available to individuals in relation to the personal information held about them.

Each of us, as the owner of our personal information, has access to these individual rights which will assist us to ensure that we have full control over our personal information. The rights will also support you if you feel that an organisation may be using your information in an inappropriate manner.

Please note that individuals whose personal information is held by GTCS are known as Data Subjects in terms of Data Protection and will be named as such within this guide.

### Introduction to our guide

This guide has been developed to assist prospective and current registrants, applicants, employees, suppliers and anyone else who has provided their personal information to GTCS, to understand the rights available to them under GDPR.









You will also find within this guide examples of when there may be a reason for GTCS to discuss with you why we may be unable to disclose or withhold information that you request in line with one of the rights.

## YOUR RIGHTS

The GDPR provides eight rights for you, the Data Subject. The specific detail of these rights are provided within Articles 12 to 22 of the GDPR and you can find further information on each of the rights on the Information Commissioners website at [www.ico.org.uk](http://www.ico.org.uk).

If you wish to access any of the rights available to you, you should write to: Information Compliance Officer, General Teaching Council for Scotland, 96 Clerwood Road, Edinburgh, EH12 6UT or by email to [dataprotection@gpcs.org.uk](mailto:dataprotection@gpcs.org.uk)

The eight rights are:

<p><b>The right to be informed</b></p> 	<p><b>The right of access</b></p> 	<p><b>The right of rectification</b></p> 	<p><b>The right of erasure</b></p> 
<p><b>The right to restrict processing</b></p> 	<p><b>The right to data portability</b></p> 	<p><b>The right to object</b></p> 	<p><b>Rights in relation to automated decision making and profiling</b></p> 

This guide looks at each of the rights in turn, explaining how they can help you to protect your personal information.

## WHAT ARE THE EIGHT GDPR DATA SUBJECT RIGHTS?

### ***Right to be informed***



When you are asked to provide your personal information whether that be by completing a form in person, signing up online to a website to purchase goods or joining a local gym you are sharing information which is personal to you. If that personal information is then used unlawfully this can create a risk of your personal information, and therefore your identity, to be misused. You will want to be sure that the information you provide is used only for the purpose that you have agreed to, it is stored securely, it is not shared with any other organisation unless you have given explicit permission for this and that you understand how long this information will be retained for.

Organisations must provide this information in a Privacy Notice. The purpose of a Privacy Notice is to ensure that privacy information is clear and understandable to you as a Data Subject.

This Privacy Notice must be written in a concise, transparent and intelligible way and easily accessible – it should be available at the point in time that the information is requested, not hidden away in the depths of a website. The Privacy Notice must be written in clear, plain English and be provided free of charge.

A Privacy Notice will make the following information available to Data Subjects:

- **Who the Data Controller is.** This is the name of the organisation collecting the data.
- **The purpose/purposes for which the information is being collected.** Why are you being asked to provide the information?
- **What information is being requested?** What details are you being asked to provide?
- **Who is collecting it?** This may be broken down to a specific department within an organisation to provide further clarity.
- **How will it be used?** This should mirror the purpose for collecting the information.
- **Who will it be shared with.** This should include any organisations with whom with Data Controller works with for example, mailing houses.
- **What will be the effect of the information being shared on the Data Subject?**
- **Is the intended use of the information likely to cause any risk or concern to the data subject?**

The GTCS General Privacy Notice can be found on our website - [www.gtcs.org.uk/home/privacy-notice](http://www.gtcs.org.uk/home/privacy-notice).

### ***Right to Access***

This right provides you, as a Data Subject, with access to any of your personal information that an organisation holds and enables you to check that the information is being processed and used for the purposes for which you understand you have provided the information. It also allows you to request a copy of your personal information, this is called a Subject Access Request (SAR).



If you wish to request your personal information through a SAR from GTCS, you should submit your request using the online form, by email to [data.protection@gtcs.org.uk](mailto:data.protection@gtcs.org.uk) or in writing to:

*Information Compliance Officer  
General Teaching Council for Scotland  
96 Clerwood Road  
Edinburgh  
EH12 6UT*

We will confirm receipt of your request and you will receive a response from us within one month from the date on which we received your request. We may request that you provide us with additional documentation to enable us to confirm your identity.

The following are examples of when we cannot provide information which is relevant to your request. The reason for being unable to provide the information will be explained to you in full within our response.

- We do not hold the information that you have requested.
- If you are already in possession of the information, for example, we will guide you to this information by referencing our previous response. If it is not possible for you to source this you can request another copy of the information.
- If the information is business sensitive, for example relates to a business matter between GTCS and its legal advice provider. This information is exempt from disclosure, as it is covered by the legal privilege exemption.
- If the information is being processed for the purposes of GTCS discharging its regulatory duties. For example, we will not disclose information relating to a live/ongoing Fitness to Teach investigation if disclosure could cause prejudice to those proceedings. In these circumstances, the information will be made available once the Fitness to Teach process has concluded.
- If the personal information is processed for purposes relating to the prevention or detection of crime, the prosecution of offenders and the assessment or collection of tax and duty. This only applies if disclosing the information would be likely to prejudice these purposes – each case will be considered on an individual basis.
- We can only disclose your personal information. For example, we cannot provide you with personal information relating to a spouse, family member, friend or other third party. The request for this information would need to be submitted by that individual.

We will send the information to you in electronic format unless you request to receive it in a different format. If you are unhappy with the response that we provide you can ask us to review our response. You also have the right to report a concern to the

Information Commissioners Office. Further information is available on their website [www.ico.org.uk](http://www.ico.org.uk).

### ***The Right to Rectification***



If you discover that there are errors in your personal information that we hold or that it is incomplete, you can ask us to rectify this. We will also ensure that any third party with whom we have shared your information will also make the rectification to the information they hold. If you request that we amend your information, we will ensure that this is undertaken as quickly as possible and within one month of receiving your request and we will confirm with you in writing that your request has been completed.

There may be times when we ask for proof relating to the requested change, for example, if we hold the incorrect date of birth for you, we may ask to have sight of identification documentation which details your correct date of birth.

There are also times when we will not be able to make amendments to information. For example, to a statement which has been submitted by another party as part of a Fitness to Teach investigation or in relation to your application to join the teachers register after this has been processed.

### ***The Right to Erasure (also known as the Right to be Forgotten)***

This right enables you to request that organisations delete your information or to prevent it from being processed. There are specific reasons as to why you may request this:



- Your information is no longer required to be processed as the reasons for which you provided the information has been completed or has expired
- When you provided the information you gave your consent to the purpose for which it was being gathered and you now wish to withdraw that consent
- When you object to the processing of your information and there is no lawful reason for it to be processed
- There is a legal reason as to why your information must be deleted

GTCS will consider each request for deletion on an individual basis. There are reasons why we may not be able to delete your information, for example:

- If erasure would affect your status on the teachers register and therefore your ability to carry out your role as a teacher.
- If the information is in relation to an ongoing Fitness to Teach investigation.
- If erasing the information would restrict GTCS from being able to carry out its regulatory duties.

### ***Right to Restrict Processing***



You have a right to submit a request to block GTCS from processing your information. This means that we can still store your information but we cannot carry out any further processing activities until you confirm that you are happy for us to do so.

Examples of when you may choose to use this right are:

- When you are unhappy about the accuracy of the data that we hold – you can ask that no further processing takes place until this has been rectified.
- When you are unhappy with the purposes for which we are processing your information – you can ask for processing to be paused until GTCS provides an explanation to the reason for the processing.
- When GTCS is processing your information unlawfully but you do not wish us to delete it fully, only restrict the processing.

You can request that processing is blocked but the information is retained to assist you with a legal process such as the defence of a claim made against you.

There may be times when we will not be able to restrict processing of personal information. For example, when this would have a direct impact on the progression of a fitness to teach investigation or when it would prevent GTCS from carrying out its regulatory duties.

### ***The right to data portability***

This right enables you to obtain your personal information from us in a format that you can re-use for your own purposes. It will ensure that your information is moved, copied or transferred from one environment to another safely and securely without causing damage or loss to your information. For example, if you move to another country



and wish to register with its General Teaching Council equivalent, we can arrange for the information that is held on our register to be provided to the other organisation electronically. This might be information on your employment history or personal development activities.

If it is technically possible and you request it, we may be able to transfer the information in a format such as a CSV file directly to the other organisation for you.

We may not be able to provide information in this format if it is not technically possible for us to do so or if providing the information in this format will damage or distort the information provided.

### ***The right to object***

You have the right to object to any processing which is being undertaken by GTCS although this will be based on your particular situation and the impact in relation to:



- Your information being processed in relation to GTCS performing its regulatory tasks
- Direct marketing, including your personal information being used for profiling purposes
- Scientific/historical research and statistical purposes

Our Privacy Notice contains information on how individuals can object to the processing of their personal information.

An example of when we may be unable to comply with your objection is when the processing of your information is necessary for the performance of a public interest task such as investigations relating to Fitness to Teach cases.

### ***Your rights in relation to automated decision making and profiling***



There are certain processes we undertake that are fully automated, for example, the allocations of student placement system. This means that if you are joining the student placement scheme, the allocation of your placement scheme will be fully automated and there will be no human intervention during the process. If you have a disability and have specific requirements at your placement, your allocation will be allocated manually by one of the team at your local authority.

We have procedures in place to ensure that you are made fully aware of the process and understand who within the organisation you should contact if you are unhappy with the placement you have been allocated or you wish to discuss it in more detail with one of the team.



We may also use the information you have provided to gather and share statistics. We will never provide specific personal details in statistical reports but your information will be used to ascertain the statistics for reporting. This has been particularly useful when we have been asked to provide statistical information on teacher training to the Scottish Government in relation to Brexit.

At times, we may have to process your personal information for profiling purposes. Profiling means that personal information is used to evaluate certain personal aspects of an individual to analyse or predict, for example, performance at work, attendance, location and personal preferences.

When using your personal information for profiling, we will ensure that this is carried out in a fair and transparent way and we will provide you with information on the logic involved, the significance and if there may be any consequences for you.

We will not use any of the special categories of information for profiling, these are:

- race
- ethnic origin
- religion
- political views
- trade union membership
- health
- sexual orientation

## Additional Rights

The GDPR provides further rights for individuals which are:

### **Right to be informed of a data breach**

On the rare occasion that a data incident occurs in GTCS, we will undertake an internal investigation and report the incident to our Corporate Management Team. During the investigation we will consider if the incident is a breach of GDPR and if it “is likely to result in a high risk to the rights and freedoms of individuals”. If the severity of the breach or the sensitive nature of the information involved in the breach does pose a ‘high risk’ then we will inform you of this and explain what steps we are taking and we will recommend what steps you should take.

### **Right to lodge a complaint with a supervisory authority.**

If you are unhappy with the way in which GTCS has dealt with your request you can appeal to the Scottish Information Commissioners Office. More information is available on their [website](#).

### **Right to compensation**

Under Article 82 of the GDPR, if you feel that you have suffered material or non-material damage as a result of GTCS breaching GDPR, you are entitled to make a

claim for compensation. You can only do this through the UK/Scottish Courts. The GDPR allows GTCS to defend any claim for compensation based on evidence that all reasonable care was taken to avoid a breach.

### **Right of judicial remedy**

If you are unhappy about a decision made by the Information Commissioners Office, which are legally binding, you have the right to appeal the decision – this must be undertaken through the Courts.

### **What can you do if you are unhappy with our response?**

If you have concerns about the way in which we handle and process your information, you should contact the GTCS Information Compliance Officer. You also have the right to raise a concern with the Information Commissioners Office, their details are available on their website at [www.ico.org.uk](http://www.ico.org.uk).

### **And finally ...**

Maintaining the security of your data is our priority and we are committed to respecting the privacy rights of everyone that we engage with. We pledge to handle your data fairly and legally at all times and to never share your personal details onto any other organisation unless we are legally required to do so, where we have consent and/or where we have informed you, the Data Subject, that we will be doing this.

If you have any queries relating to any of the information provided within the guide, please call the Information Compliance Officer who will be happy to discuss this with you on 0131 314 6000 or by email at [dataprotection@gtcs.org.uk](mailto:dataprotection@gtcs.org.uk).