

GENERAL TEACHING COUNCIL FOR SCOTLAND

GENERAL PRIVACY NOTICE

INTRODUCTION - THE GENERAL TEACHING COUNCIL FOR SCOTLAND AS A DATA CONTROLLER

This is the Privacy Notice (“Notice”) of the General Teaching Council for Scotland (“GTCS”)¹ for its employees, its Council Members and Panel members and its contractors. Our email address in respect of this Notice is dataprotection@gtcs.org.uk. Any enquiries relating to the processing of personal data by GTCS, including matters arising from this Notice, should be address to our Data Protection Officer at:

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

GTCS has a wide range of functions to perform in order fulfil its duties to promote, support and develop the professional learning of teachers. GTCS processes personal data to enable it to fulfil those duties, including:

- maintaining a register of teachers in Scotland;
- setting the professional standards for teachers;
- accrediting programmes that lead to the award of GTCS professional standards for teachers (including the Initial Teacher Education programmes provided at Scottish higher education institutions);
- advising the Scottish Government on matters relating to teachers and teacher professionalism in Scotland; and
- providing public protection and quality assurance in respect of the teaching profession through investigating and adjudicating on the Fitness to Teach of registrants through robust and fair regulation process.

WHAT IS THE PURPOSE OF THIS PRIVACY NOTICE?

GTCS is committed to protecting the privacy and security of all the personal data it holds. This Notice describes how we collect and use personal data about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (“GDPR”). This Notice applies to all individuals for whom GTCS holds personal data.

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

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)

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 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.

THE DATA PROTECTION PRINCIPLES

GTCS will comply with data protection law and be accountable for complying with the law, which requires us to ensure that your personal data is:

1. processed lawfully, fairly and in a transparent way;
2. used only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
3. relevant to the purposes we have told you about and limited only to those purposes;
4. accurate and kept up to date;
5. kept only as long as necessary for the purposes we have told you about; and
6. in accordance with requirements of integrity and confidentiality.

THE CATEGORIES OF PERSONAL DATA WE PROCESS ABOUT YOU

Personal data means any information that identifies you as an individual, either directly or indirectly, and relates to you. It does not include data where the identity of individuals has been completely removed (anonymous data). Personal data also includes "special categories" of more sensitive personal data which require a higher level of protection. We process both personal data and special category personal data relating to you.

We will collect, store, and use the following categories of personal information about you:

- **Identity data:** such as your name, title, username or similar identifier, marital status, dependants, date of birth, gender, National Insurance number, copy of driving licence or other ID.
- **Contact data:** such as your workplace location, home address, telephone numbers and email addresses, next of kin and emergency contact information.
- **Financial data:** such as your bank account details, payroll records, tax status information, pension and benefits information, salary, expenses and allowances.
- **Professional data:** such as recruitment/appointment information (including copies of right to work documentation, references and other information included in a CV or covering letter or as part of the application process) relating to past, current and any planned future engagements with us, job titles, performance, quality control and monitoring information, discipline and grievances, working hours [including attendance information obtained from swipe cards], training records, professional memberships and annual leave.

- **Communications system data:** such as information about your use of our information and communications systems.
- **Image data:** such as photographs used in documentation or on websites and CCTV information.

Special category personal data: We may also collect, store and use, only as far as is necessary, the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Trade union membership.
- Information about your mental or physical health, including any medical condition, health and sickness records.
- Information about criminal convictions and offences.

HOW WILL GTCS USE YOUR PERSONAL DATA?

We will only use your personal data where we are permitted to do so by law and in accordance with data protection law. Common circumstances where we will process your personal data are if we need to do so to perform a contract we have entered into with you, if we need to comply with a legal obligation or where it is necessary in the public interest or for the exercise of official authority.

We may also use your personal data where we need to protect your interests (or someone else’s interests) or, very occasionally, for the pursuit of our legitimate interests in areas out with our public authority functions, provided your interests or fundamental rights and freedoms do not outweigh our legitimate interests.

Purposes for which we will use your personal data

We consider that we will need to process all the categories of data in the list above in relation to you, primarily to allow us to perform our contract with you, to enable us to comply with legal obligations and in the public interest or in the exercise of official authority. 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 detailed within the specific privacy notice. We have specific privacy notices for the following:

[GTCS Employees and Agency Staff](#)

[GTCS Prospective Employees](#)

[GTCS Panel Members and Council Members](#)

[Witnesses in Fitness to Teach Proceedings](#)

[Teachers who are subject to a fitness to teach investigation](#)

[Applicants for registration who are the subject of a Fitness to teach referral](#)

[Applicants for registration](#)

[Early Careers – Student Placement and Teacher Induction](#)

[Registrants](#)

If you fail to provide personal data

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or to undertake our regulatory duties of keeping you informed in relation to your registration.

Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and 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, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE SENSITIVE (SPECIAL CATEGORY) PERSONAL DATA

"Special categories"² of particularly sensitive personal data require higher levels of protection and we will need to have further justification for collecting, storing and using this type of personal data. We have in place appropriate policies which we are required by law to maintain when processing such data. We may process special categories of personal data in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with your engagement, employment or appointment and in relation to employment and social security law and social protection law.
3. Where it is needed in the public interest, such as for equal opportunities monitoring.
4. Where it is needed for the purposes of preventative or occupational medicine or to assess your working capacity.
5. Where it is in the substantial public interest and is in accordance with the law, proportionate to the aim pursued and respects and safeguards your data protection rights and your fundamental rights and interests.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about current or former employees, current or former Council, Committee or Panel members or current or former contractors in the course of legitimate business activities with the appropriate safeguards.

DO WE NEED YOUR CONSENT?

We do not need your consent if we use special categories of your personal information in order to carry out our regulatory functions. We will inform you of how we use your data within the privacy notice specific to our relationship with you. A link to these can be found earlier in this Notice. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly special category personal data. If we do so, we will provide you with full details of the information that

² Special category data is information about an individual's race; ethnic origin; politics; religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life or sexual orientation.

we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

WHO DO WE SHARE YOUR PERSONAL DATA WITH?

We may have to share your data with third parties, including other public authorities and service providers. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal data.

Why might you share my personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

Which third-party service providers process my personal information?

"Third parties" includes third-party service providers (including contractors and designated agents). Third-party service providers may provide support in relation to the following activities: payroll, pension administration, employee and registrant benefits provision and administration, IT services, Events support, finance, governance and the Fitness to Teach process.

HOW WE PROTECT YOUR PERSONAL DATA

We have put in place measures to protect the security of your information. Details of these measures are available in our Information Security Policy or from our Data Protection Officer.

Third parties 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 data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who we consider have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from our Data Protection Officer by emailing dataprotection@gtcs.org.uk.

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. Our procedures for detailing with information security incidents are set out in our Information Security Policy.

YOUR RIGHTS OVER YOUR PERSONAL DATA

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes.

Your rights in connection with personal data

Under certain circumstances, by law you have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact The Data Protection Officer in writing at General Teaching Council for Scotland, Clerwood House, 96 Clerwood Road, Edinburgh, EH12 6UT or by email to dataprotection@gtcs.org.uk.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact The Data Protection Officer in writing at General Teaching Council for Scotland, Clerwood House, 96 Clerwood Road, Edinburgh, EH12 6UT or by email to dataprotection@gtcs.org.uk.

Once we have received notification that you have withdrawn your consent, we will no longer process your data for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA PROTECTION OFFICER

Our Data Protection Officer will oversee compliance with this Notice. If you have any questions about this Notice, or how we handle your personal data, please contact The Data Protection Officer at General Teaching Council for Scotland, Clerwood House, 96 Clerwood Road, Edinburgh, EH12 6UT or by email at dataprotection@gtcs.org.uk. You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues, about how we are processing or have processed your personal data.

HOW TO CONTACT THE UK INFORMATION COMMISSIONER'S OFFICE

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.