

GENERAL TEACHING COUNCIL FOR SCOTLAND

Privacy Notice for Applicants who are the subject of a Fitness to teach referral

This is the Privacy Notice (“Notice”) of the General Teaching Council for Scotland (“GTCS”) for applicants for GTCS registration who are the subject of a Fitness to Teach referral.

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?

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. GTCS is committed to protecting the privacy and security of applicants for registration who are the subject of a Fitness to Teach referral as you engage in the process. This Notice describes how we collect and use personal data about your involvement in a Fitness to Teach investigation, in accordance with Data Protection Law (the Data Protection Act 2018, the General Data Protection Regulations (EU) 2016/679 and the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection). It is important that you read this Notice, together with the GTCS General Privacy Notice and with any other privacy notice we provide through the GTCS website 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 data.

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 through the GTCS website. We may also notify you in other ways from time to time about the processing of your personal data.

HOW DOES GTCS COLLECT YOUR PERSONAL DATA?

We collect personal data about you in a number of ways, throughout the Fitness to Teach investigation process, either directly from you or sometimes from third parties. Third parties from whom we may collect data may include, for example, employers of applicants (e.g. Local Authorities, College employers and independent schools), the applicant and their representative, Presenting Officers, Fitness to Teach Panel Members, Fitness to Teach Panel Legal Assessors and Police Scotland, as detailed further below. We may sometimes collect additional data from other third parties in accordance with the law and where necessary to do so.

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 in the context of our investigations into fitness to teach cases, for the conduct of fitness to teach hearings or

reporting on those hearings. Such processing will either be undertaken:

- to comply with a legal obligation;
- where it is necessary in the public interest; and
- for the exercise of official authority; or where it is in the substantial public interest and in accordance with the law.

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We will process your personal data in the following circumstances:

- If you are subject to a fitness to teach referral, we will process your personal data contained within any evidence for Fitness to Teach investigations including any written statements or responses you provide.
- Your personal data will be processed in connection with any fitness to teach hearing held in your case. The majority of fitness to teach hearings are conducted in public, unless an application is granted for all or part of a hearing to be held in private
- Most fitness to teach hearing decisions are published on our website. These decisions include an explanation as to why the decision has been reached and this means that they may include the personal data of the applicant who is the subject of the fitness to teach referral. We explain in our [Fitness to Teach Publication Policy](#) what information we publish in decisions and why.

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
General enquiries received from a member of the general public in relation to a concern about an applicant.	Informing GTCS of a concern in relation to you as an applicant for registration.	Identity data Contact data Professional data Image 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 GTC. Necessary for reasons of substantial public interest.	1 year from conclusion of the fitness to teach case
Employer disciplinary	Collecting information as	Identity data Contact data	Performance of a legal obligation to	15 years if case is not

paperwork as part of a GTCS fitness to teach hearing	part of a fitness to teach investigation	Professional data Image data Special Category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions and offences, information about Trade Union membership	which GTCS is subject. Necessary for the performance of a task in the public interest or the exercise of official authority vested in GTC. Necessary for reasons of substantial public interest.	investigated. If investigated, until notification of death of Registrants or 50 years from date of registration removal (whichever is earlier)
Applicant providing written evidence or any written response as part of a GTCS fitness to teach investigation	Collecting information as part of a fitness to teach investigation	Identity data Contact data Professional data Special category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions and offences, information about Trade Union membership	Performance of a legal obligation which GTCS is subject. Necessary for the performance of a task in the public interest of the exercise of official authority vested in GTCS Necessary for reasons of substantial public interest.	Until notification of death of Registrant or 50 years from date of registration removal (whichever is earlier)
Applicant providing oral evidence as part of a GTCS fitness to teach hearing	Collecting information as part of a fitness to teach investigation	Identity data Contact data Professional data Special category data information about race or ethnicity, religious	Performance of a legal obligation which GTCS is subject. Necessary for the performance of a task in the public	Recording of hearing will be retained for a period of 6 months following conclusion of the case.

		beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions and offences, information about Trade Union membership	interest of the exercise of official authority vested in GTCS Necessary for reasons of substantial public interest.	Fitness to Teach decision is retained until notification of death of Registrant or 50 years from date of registration removal (whichever is earlier)
GTCS Case Investigation Forms and investigation reports	Collecting information and recording of decisions as part of a fitness to teach investigation	Identity data Contact data Professional data Special Category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions and offences, information about Trade Union membership	Performance of a legal obligation which GTCS is subject. Necessary for the performance of a task in the public interest of the exercise of official authority vested in GTCS Necessary for reasons of substantial public interest.	15 years if case is not investigated. If investigated, until notification of death of Registrants or 50 years from date of registration removal (whichever is earlier)
Witness Statements	Collecting information as part of a fitness to teach investigation	Identity data Contact data Professional data Special category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinions, information about mental and physical health,	Performance of a legal obligation which GTCS is subject. Necessary for the performance of a task in the public interest of the exercise of official authority vested in GTCS Necessary for reasons of	Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)

		information about criminal convictions or offences	substantial public interest.	
PVG Scheme Records	Collecting information as part of a fitness to teach investigation	Identity data Contact data Special category data including information about criminal convictions and offences	Performance of a legal obligation which GTCS is subject. Necessary for the performance of a task in the public interest of the exercise of official authority vested in GTCS Necessary for reasons of substantial public interest.	Until conclusion of process
Extract convictions and copy complaints from the Scottish Courts Service if required	Collecting information as part of a fitness to teach investigation	Identity data Special Category data including: information about criminal convictions and offences	Performance of a legal obligation 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.	Until notification of death of Registrants or 50 years from date of registration removal (whichever is earlier)
Images, social media printouts, text messages	Collecting information as part of a fitness to teach investigation	Identity data Contact data Communications Systems data Image data	Performance of a legal obligation 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.	15 years if case is not investigated. If investigated, until notification of death of Registrants or 50 years from date of registration removal (whichever is earlier)
Case correspondence	Part of investigation of fitness to teach	Identity data Contact data Professional data Special Category	Performance of a legal obligation which GTCS is subject.	1 year from the conclusion of the fitness to teach case

		data including information about mental or physical health, information about criminal convictions	Necessary for the performance of a task in the public interest of the exercise of official authority vested in GTCS Necessary for reasons of substantial public interest.	
Fitness to teach Hearings recordings	Collecting information as part of a Fitness to Teach hearing	Identity data Contact data Professional data Special category data information about race or ethnicity, religious beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions and offences, information about Trade Union membership	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.	6 months from case conclusion
Publication of GTCS Panel Decisions	Publication of the outcome of adjudications	Identity data; Professional data Special category data information about race or ethnicity, religious beliefs, sexual orientation, political opinion, information about mental or physical health, including any medical condition, health and sickness records, information about criminal convictions	Performance of a legal obligation 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.	Until notification of death of Registrant or 50 years from date of registration removal (whichever is earlier)

		and offences, information about Trade Union membership		
Court of Session Appeal documentation	Collecting information as part of a fitness to teach investigation	Identity data Contact data Professional data Special category data including information on race or ethnicity, religious beliefs, sexual orientations, political opinions, information about mental and physical health, information about criminal convictions and Information about Trade Union Membership	Performance of a legal obligation 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.	7 years from the conclusion of the Court of Session appeal case
Maintain a case tracking register including GTCS department case scheduling systems	To enable the management of Fitness to Teach cases	Identity data Contact data	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.	1 year from the conclusion of the fitness to teach case
Requests for information from Police Scotland	Request for information relating to a Police Scotland investigation in relation to an applicant about whom a referral has been made.	Identity data	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.	1 year from the conclusion of the fitness to teach case

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data. Equally, we may not collect or use your personal data for many of the above grounds as it will depend on the nature of your involvement with our fitness to teach process and the particular context.

IF YOU FAIL TO PROVIDE PERSONAL DATA

If you fail to provide certain data when requested, this may ultimately result in delays to our fitness to teach investigation. Further, without this information, we may not be able to fully engage in the Fitness to Teach investigation process as we may be prevented from complying with our legal obligations or meeting other legal requirements in respect of Fitness to Teach investigations. As a result, a failure to engage in the process may impact the progress of your application for registration with GTCS.

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.

DO WE NEED YOUR CONSENT?

Once we have received any of the above information about you, as an applicant who is the subject of a referral, we do not need your consent if we use special categories of your personal data as detailed in our Data Protection policy to carry out our legal obligations. In limited circumstances, we may approach you for your written consent to allow us to process certain particular special category data. If we do contact you in relation to this, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

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 (e.g. Local Authorities, College employers and Independent Schools)
- Your representative
- Presenting Officers
- 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

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

If we believe that a criminal offence has been committed, we may be required to share your information with Police Scotland. We require third parties to respect the security of your data and to treat it in accordance with the Law. If we do, you can expect to receive a similar degree of protection in respect of your personal data.

INFORMATION ABOUT ALLEGATIONS OF CRIMINAL OFFENCES, CRIMINAL CONVICTIONS, SENTENCES

As part of the Fitness to Teach investigation process, we gather information relating to allegations of criminal offences, criminal convictions and sentences.

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 obligations and provided we do so in line with our Data Protection Policy and Fitness to Teach Rules.

In the event that an applicant for registration is rejected, we are required by law to share this information on the Internal Market Information (IMI) system. To make an entry on the IMI system we are required to disclose your name, date of birth and national insurance number. This information is then available to relevant authorities throughout Europe.

TRANSFERRING INFORMATION OUTSIDE OF THE EU

We may be required to transfer your 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.