

# GENERAL TEACHING COUNCIL FOR SCOTLAND

## Privacy Notice for Registrants who are the subject of a Fitness to Teach Referral

This is the Privacy Notice (“Notice”) of the General Teaching Council for Scotland (“GTCS”)<sup>1</sup> in respect of the personal data that GTCS processes in respect of registrants who are the subject of a Fitness to Teach referral.

Our email address in respect of this Notice is [dataprotection@gtcs.org.uk](mailto: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](mailto: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 registrants 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 you, in connection with a Fitness to Teach investigation you are involved in, in accordance with Data Protection Law (the Data Protection Act 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 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.

### CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this Notice at any time and we will provide a new privacy notice 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?

If we receive a referral about you, we may investigate that referral. If we do investigate the referral then we will therefore be in receipt of your personal data in the process of the initial fitness to teach investigation and, potentially, in relation to a later fitness to teach hearing. We will therefore be required

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<sup>1</sup> GTCS is a statutory body with its headquarters based at Clerwood House, 96 Clermiston Road, Edinburgh EH12 8UT. It is a data controller in terms of data protection law (under the EU General Data Protection Regulation and the Data Protection Act 2018).

to process personal data about you in a number of ways. In addition to the personal data which we collect from you, we may also need to collect some personal data from a third party. Third parties from whom we may collect data may include, for example, employers of registrants (e.g. Local Authorities, Colleges and independent schools), Presenting Officers, Fitness to Teach Panel Members, Fitness to Teach Panel Legal Assessors and Police Scotland, as detailed further below. Where we collect information from a third party, we will do so in accordance with the law and only in so far as is necessary.

## **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. As your professional regulatory body, among other things, GTCS will process your personal data 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 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 your personal information. 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:

<b>Activity</b>	<b>Purpose</b>	<b>Category of personal data</b>	<b>Lawful basis for processing including basis for legitimate interest</b>	<b>Retention period or criteria to determine retention period</b>
Referrals received from the general public in relation to a concern about you	Informing GTCS of a concern in relation to you as a registrant	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 GTCS. Necessary for reasons of substantial public interest.	1 year from conclusion of the fitness to teach case
Registrant providing a written statement or any written response as part of 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 criminal offences and convictions and sentences	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.	Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)
Registrant providing oral evidence as part of GTCS fitness to teach hearing	Collecting information as part of a fitness to teach investigation.	Identity data Contact data Professional data Special category data, including criminal offences and convictions and sentences	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.	Audio recording of hearing will be retained for a period of 6 months following conclusion of the case.  Fitness to Teach Decision is retained until notification

				of death of Registrant; or 50 years from date of registration removal (whichever is earlier)
Employer Disciplinary paperwork produced about you 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 and political opinions, 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 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.	15 years if case is not investigated.  If investigated, until notification of death of Registrant; 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 and political opinions, information about mental or physical health, 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 Registrant; or 50 years from date of registration removal (whichever is earlier)
PVG Scheme Records	Collecting information as part of a fitness to teach	Identity data Contact data Professional data Special category	Performance of a legal obligation to which GTCS is subject.	Until conclusion of the fitness to teach

	investigation	data including: Information about criminal convictions and offences	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.	process in your case
Extract convictions and copy complaints requested from the Scottish Courts Service if required	Collecting information as part of a fitness to teach investigation	Identity data Contact data Professional data Special category data including: information about 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.	Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)
Court of Session Appeal documentation	Collecting information as part of a fitness to teach investigation	identity data, contact data, professional data and special category data including Information about race or ethnicity, religious beliefs, sexual orientation, political opinions 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 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.	7 years from conclusion of the Court of Session appeal case
GTCS Initial Consideration Form and investigation	Collecting information and recording of	Identity data, contact data, professional data	Performance of a legal obligation to which GTCS is	15 years if case is not investigated.

reports	decisions as part of a fitness to teach investigation	and special category data including Information about race or ethnicity, religious beliefs, sexual orientation and political opinions, information about mental or physical health, information about criminal convictions and offences, information about Trade Union membership	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 investigated, until notification of death of Registrant; 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 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.	15 years if case is not investigated.  If investigated, until notification of death of Registrant; 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 data including information about mental or physical health, information about criminal convictions	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.	1 year from conclusion of the fitness to teach case
Fitness to Teach Hearing audio recordings	Audio recording of hearings for appeals purposes	Identity data, contact data, professional data	Necessary for the performance of a task in the public	6 months from the conclusion

		and special category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinions, mental or physical health, information about criminal convictions, information about trade union membership	interest or the exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	of the fitness to teach case
Requests for information from Police Scotland	Request for information relating to a Police Scotland investigation in relation to the Registrant about whom a referral has been made	Identity data	Necessary for the prevention and detection of crime 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 conclusion of the fitness to teach case
Maintain a case tracking register including GTCS department case scheduling systems	To enable the management and reporting of Fitness to Teach cases	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	1 year from conclusion of the Fitness to Teach case
Publication of GTCS Panel Decisions	Publication of the outcome of fitness to teach adjudications	Identity data, professional data, special category data including information about race or ethnicity, religious beliefs, sexual orientation,	Performance of a legal obligation to which GTCS is subject. Necessary for the performance of a task in the public interest or the	Until notification of death of Registrant; or 50 years from date of registration removal

		political opinions, 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	exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest	(whichever is earlier)
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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 on the status of your 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 a registrant subject to a referral, we do not need your consent if we use special categories of your personal information in line with 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 personal 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:

- Employers of registrants (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
- International Forum of Teacher Regulatory Authorities members (IFTRA) and other recognised Standards and Teaching councils

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 share your information, you can expect a similar degree of protection in respect of your personal data.

In the event that a Registrant is subject to a Temporary Restriction Order or a Removal Order, 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, GTCS registration number, date of birth and national insurance number. This information is then available to relevant authorities throughout Europe.

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

## **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.