

GENERAL TEACHING COUNCIL FOR SCOTLAND

Privacy Notice for Referrers and Witnesses – Fitness to Teach

This is the Privacy Notice (“Notice”) of the General Teaching Council for Scotland (“GTCS”)¹ in respect of the personal data that GTCS processes for individuals who make a referral relating to a concern about an applicant or teacher and witnesses who provide statements to GTCS for the purposes of conducting investigations into fitness to teach cases.

Our email address is dataprotection@gtcs.org.uk. Any enquiries relating to the processing of personal data by GTCS, including matters arising from this Notice, should be addressed to our Data Protection Officer at:

The 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 individuals who make a referral or provide witness statements as part of its fitness to teach investigations and hearings. 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 Regulation (EU) 2016/679, 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 GTCS General Privacy Notice and with any other privacy notice we provide on the GTCS website. This will ensure that on specific occasions when we are collecting or processing personal data about you, 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 through the GTCS website 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.

HOW DOES GTCS COLLECT YOUR PERSONAL DATA?

When you submit a referral or provide a witness statement as part of a fitness to teach investigation or in relation to a fitness to teach hearing, we may 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 teachers (e.g. Local Authorities and independent schools), the Teacher and their

¹ 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).

representative, Presenting Officers, Fitness to Teach Panel Members, Fitness to Teach Panel Legal Assessors and Police Scotland. 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.

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We may process your personal data in the following circumstances:

- As a witness to a fitness to teach investigation, we will process your personal data contained in a referral or within witness statements in the course of the fitness to teach investigation. For this, your personal data may be disclosed to the Teacher to whom the investigation relates.
- Your personal data may be included within a fitness to teach hearing. The majority of fitness to teach hearings are conducted in public, unless an application is made and 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 witnesses. 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:

Activity	Purpose	Category of personal data	Lawful basis for processing including basis for legitimate interest	Retention period or criteria to determine retention period
Referrals received from the general public in relation to a concern about a teacher	Informing GTCS of a concern in relation to a teacher which may include information relating to a witness or referrer	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
Referrer and/or witness providing written statement 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 information about	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

		race or ethnicity, religious beliefs, sexual orientation, political opinions, information about mental or physical health, information about criminal offences and convictions and sentences	exercise of official authority vested in GTCS. Necessary for reasons of substantial public interest.	registration removal (whichever is earlier)
Referrer and/or witness 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, information about race or ethnicity, religious beliefs, sexual orientation, political opinions, information about mental or physical health, information about 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 hearing. 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 Form and investigation reports	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 or physical health, information about criminal 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.	15 years if case is not investigated. Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)

		and convictions and sentences, information about Trade Union membership		
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. Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)
Case correspondence	Part of an investigation of fitness to teach and making arrangements for any hearing	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
Internal case discussion meeting notes where reference is made to referrers and witnesses	Part of investigation of fitness to teach	Identity data; contact data, professional 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 the conclusion of the fitness to teach case
Fitness to teach electronic hearing recordings	Electronic recording of hearing for appeal purposes	Identity data; contact data; professional data; special category data including information about race or ethnicity, religious beliefs,	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	6 months from the conclusion of the case?

		sexual orientation, political opinions, information about mental or physical health, information about criminal convictions, information about Trade Union Membership	GTCS. Necessary for reasons of substantial public interest.	
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
Requests for information to be provided from Police Scotland	Request for information relating to a Police Scotland investigation such as witness statements or summaries of evidence	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
Fitness to Teach Panel Decisions	Publication of the outcome of investigation or hearing process on the GTCS website. To retain decisions on file in case of further referrals about the Teacher or subsequent registration applications.	Identity data, professional data, Special category data including information about race or ethnicity, religious beliefs, sexual orientation, political opinions, information about mental or physical health, information about criminal offences and 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	Until notification of death of Registrant; or 50 years from date of registration removal (whichever is earlier)

		and sentences, information about Trade Union membership		
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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.

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, we do not need your consent if we use special categories of your personal information as detailed in the GTCS General Privacy Notice to carry out our legal obligations. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly special category personal which data falls outside the data detailed in the list above. If we do so, 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 particular 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 teachers (e.g. Local Authorities and Independent Schools)
- The teacher and their representative
- Presenting Officers
- Fitness to Teach Panel Members
- Fitness to Teach Panel Legal Assessors
- Police and other safeguarding organisations

If GTCS becomes aware of a potential criminal offence or activity having been committed, we may be required to share your information with Police Scotland (or other police forces) to ensure that any criminal investigation is not prejudiced.