# Privacy Notice

### Information for Governors of the Corporation and Directors of wholly owned subsidiary companies in the DN Colleges Group

## Purpose of this statement

DN Colleges Group is the Data Controller as defined in the data Protection Act 1998 for DN Colleges Group Further Education Corporation and wholly owned subsidiary companies.

Your privacy is important to us. This privacy notice explains what personal data DN Colleges Group collects from you, through our interactions with you and through our products, and how we use that data.

DN Colleges Group is committed to protecting the privacy and security of your personal information. As a "data controller" we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, workers and contractors. This notice does not form part of any contract of employment or another contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you so that you are aware of how and why we are using such information.

DN Colleges Group is registered under the Data Protection Act 2018. This means that the purposes for which the College collects, and processes personal data are notified to and registered with the Information Commissioner’s Office (ICO), under the Registration Number ZA341759.

DN Colleges Group (also referred to below as ‘we’) will collect the following information from you, which we need in order to carry out our functions. The legal grounds for processing the information are outlined under each section and where your consent is required we give you the opportunity to opt in.

## Data protection principles

We will comply with GDPR. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected 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.
6. Kept securely.

## Why we collect and use this information

Personal data is any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are "special categories" of more sensitive personal data which require a higher level of protection. Personal data and where appropriate special categories of data that we may collect, use, store and share (when appropriate) about you as a Governor of the DN Colleges Group Corporation and Directors of the Group and its wholly owned subsidiary companies includes, but is not restricted to:

* Contact details such as first name, middle names, surname, address, personal and work email addresses, personal and work telephone numbers. This is so that we can contact you in emergencies regarding meetings and other relevant events. This information will be held securely, shared only with staff who need to use the data for their duties and will not be made public. All correspondence relating to meetings will be sent to your college email address and not your personal email address.
* Financial details e.g. bank details, national insurance details,
* Lifestyle information such as dietary preferences, hobbies, other likes/dislikes/preferences etc.
* Location e.g. physical or electronic information which identifies your location
* Online/Unique identifiers such as online/website details e.g. usernames, passwords, IDs, device/pps ID
* Special Categories of Data which may include information about racial and ethnic origin, religion, politics, trade union membership, genetic and biometric data (e.g. fingerprints used for ID purposes), health, mental health, physiological and disability information, sexual orientation, behavioural characteristics, social identity, cultural background, facial Images, philosophical beliefs and economic data
* Personal non-contact details e.g. date of birth, age, gender, photographs, video imaging, passport details, visa details, driving licence details
* References and Employment Details
* Information about business and pecuniary interests (where applicable) including gift or hospitality with a value in excess of £10
* Academic information qualifications/academic achievement/mandatory and voluntary professional body memberships/ accreditations/ certifications / training records
* Complaints/Grievances details e.g. Student, staff, public and other complaints to which you are a named party or involved in the investigation process
* Health and Safety information such as accident records, risk assessments, occupational health records, personal protective equipment records, industrial disease monitoring, insurance and legal claims
* Criminal and Conviction Information Disclosure Barring Service checks and disclosures provided to us. As the Corporation operates a College of Further Education under the Children Act 2004 it has a statutory duty to safeguard and promote the welfare of its learners.
* Conflicts of Interest i.e. situations where your interests may (or may appear to) influence your decision making. The College, as an exempt charity under the Charities Act 2011, as amended has a statutory duty to ensure that its Governors are eligible to act as trustees and therefore collect their declarations and conducts checks to satisfy this requirement

## The lawful basis on which we process this information

We process this information under:

* + Article 6 (1) a – Consent of the data subject
	+ Article 6 (1) b – Necessary for the performance of a contract with the data subject or to take steps preparatory to such a contract
	+ Article 9 (2) b – Necessary for the carrying out of obligations under employment, social security or social protection law, or a collective agreement

## How we store this data (data security)

Appropriate security measures are in place to prevent your personal information being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to employees, agents and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

Procedures are implemented 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.

## Data retention

We only retain your personal information for as long as necessary to fulfil the purposed we collected it for. This includes the purpose of satisfying any legal accounting or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of hard from unauthorised use or disclosure. We will determine he purpose for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a Governor, we will retain and destroy your personal information in accordance with applicable laws and regulations.

## Change of purpose

We will only use your personal information 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 information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to use on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this. The college collects personal data from you during your application. This is then updated throughout your governorship at the college.

## Your duty to inform us of changes

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

## Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you in writing.

## How long we keep it

We hold college Governor data for:

* + Up to 24 months – for applications for vacant positions
	+ 7 years after the end of you being a Governor for financial regulations
	+ Retain your images in printed media for up to 12 months after your appointment has been terminated or you have withdrawn your consent. This is because prospectuses and paper-based media are updated on an annual basis
	+ The College Annual Reports and Financial Statements, which contain summary information for Governor appointments and participation in corporation business, are retained for the duration of the College’s existence as a statutory corporation
	+ Should any Governor or director be directly involved in a safeguarding matter related to an individual learner then this may result in personal data being entered on that learner’s safeguarding file. Under current legislation, safeguarding information about individual children is retained for up to 70 years after the learner as left College
	+ No other 3rd parties have access to your personal data unless the law allows them to do so. We have Data protection procedures in place to oversee the effective and secure processing of your personal data. More information on this can be found in the college’s GDPR policy. We don’t store information about you outside the UK.

## With whom and why we share college information

We do not share information about Governors with anyone, without consent unless the law and our policies allow us to do so. To enable us to comply with our legal and contractual obligations and to enable the conduct of business, we may need to share some of your personal information (and in some instances, special categories of data):

* + Disclosure and Barring Scheme (DBS)
	+ Business systems providers/suppliers and service providers in connection with work related activities and to enable access to systems and applications, e.g. Microsoft outlook/365 e.g. login details/file storage/solicitors/insurers/payment systems
	+ Local Authority/Local Safeguarding Board/ Social Care Teams/LADO – for safeguarding purposes
	+ Health and Safety Executive – to report accident information/investigation purposes
	+ Emergency Services in the event of an emergency
	+ Information Commissioners Office (ICO)
	+ Depending on your role as a Governor, we may be required to share your personal information with Government departments and agencies, for example the ESFA to enable them to contact you directly (i.e. Char – Vice Chair)
	+ Where the legal obligation was originally prescribed in regulations made by the Secretary of State under powers established by the Further and Higher Education Act 1992 and is contained in section 11 (5) of the College’s Instrument of Government. Furthermore, the College has a contractual requirement to publish related party payments and expenses under our funding agreement with the Education and Skills Funding Agency.
	+ The College retains Governor register of interest’s information for 7 complete financial years after the year in which a person has ceased to be a Governor to cover the normal period for any legal claims arising. This information also includes your contact details at the time when each declaration was made or updated.
	+ DN Colleges Group is committed to promoting equality of opportunity, eliminating unlawful discrimination and encouraging good relations between different groups. This includes not discriminating under the Equality Act 2010 and building an accurate picture of the make-up of the workforce/Governing Body. In order to monitor diversity effectively, it is necessary to collect personal information across all nine of the protected characteristics under the Equality Act 2010: age, sex, marital status, colour, nationality, ethnic origins, religion, sexual orientation or disability. The organisation needs your help and co-operation to do this.
	+ The College processes data because it is required to do so either by regulations made by the Secretary of State for Education or because it is required to do so as a contractual obligation under its funding agreements with the Education and Skills Funding Agency. The College will retain data for the period of time set out in the regulations and contract.
	+ The College Annual Reports and Financial Statements, which contain summary information for Governor’s appointment and participation in corporation business, are retained for the duration of the College’s existence as a statutory corporation.
	+ Directors of College Group companies only. This information will be shared with Companies House for the Company Register and published on the Companies House website. The College will retain data for the period of time required by the Companies Act 2006 or successor legislation
	+ Chair of Governors personal email address. This will be made available to the FE Commissioner and relevant contacts at the Education and Skills Funding Agency on request where they need direct contact with the Chair. We will always request out of date data to be deleted when we provide data about a new appointment.
	+ Enable compliance with legislation e.g. Further and Higher Education Act 1992. To maintain a Governing Body as its senior decision-making body
	+ DN Colleges Group is the Data Controller as defined in the Data Protection Act 1998 for DN Colleges Group Further Education Corporation and wholly owned subsidiary companies

## Sharing your 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.

## How secure is my information with third party service providers and other entities in our group

All third party service providers and other entities are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposed and in accordance with our instructions.

## Third Party Processors and transferring data internationally

Where we use Third Party Processors or transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with date protection law.

## What are your rights?

Under the General Data Protection Regulation, you have various rights in relation to your personal information:

* + The right to be informed
	+ The right of access
	+ The right to rectification
	+ The right to erasure
	+ The right to restrict processing
	+ The right to data portability
	+ The right to object
	+ Rights in relation to automated decision making and profiling.

If at any point you believe the information we process on you is incorrect you request to see this information and even have it corrected or deleted. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer (DPO) who will investigate this matter.

Individuals can make a data subject access request, to gain access to personal information that we hold about them. Please refer to the DN Colleges Data Protection (GDPR) Policy for more information on how to make a request or contact the Data Protection Officer.

The retention of data is outlined above, and any queries should be addressed to the Clerk, who will assist with requests for copies of personal data or removal of personal data under the GDPR policy.

You also have the right to:

* + Object to processing of personal data that is likely to cause, or is causing, damage or distress
	+ Prevent processing for the purpose of direct marketing
	+ Object to decisions being taken by automated means
	+ in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed

## Data Protection Officer

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Please contact:

Terry Hutchinson - dataprotection@dncolleges.ac.uk

The DPO will oversee compliance with this privacy notice. You have the right to make a complaint at any time to the Information Commissioner’s Office (ICO) the UK supervisory authority for data protection issues.

## Changes to this Privacy Notice

We reserve the right to update this Privacy Notice at any time, and we will provide 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.