

Guidance regarding consent and privacy notices on data collection forms

The United Learning Group policy on privacy notices for pupils and parents/carers sets out what information the law requires us to provide when we are collecting personal data. We advise that schools take a layered approach to providing this information whereby key privacy information is provided on the data collection form along with a link to the school's full privacy notice or information as to where the privacy notice can be found (see appendix B for information regarding the full privacy notice).

The nature of the 'key privacy information' to be provided will depend on the context and whether we are intending to do something unexpected with the personal data. As a minimum the form must say who the data controller is, why we are collecting the data and whether the data will remain in the school or be shared with central office or other organisations.

It is imperative that the full privacy notice is easily accessible. Schools should ensure that the full notice can be found using the search function on their websites. Where personal data is being collected via a web page it should be possible to click directly through to the full privacy statement. If a data collection form is emailed to parents the email should include a link to the full privacy notice. It is best practice to provide parents and pupils with a copy of the full privacy notice the first time you collect data from them as well as making the notice available on your website.

Advice on what should be included in specific forms can be obtained from the Company Secretarial team on company.secretary@unitedlearning.org.uk

Consent

What is consent?

- *Asking for consent means you are offering people genuine choice and control over how you use their data.*

GDPR definition *"any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative actions, signifies agreement to the processing of personal data relating to him or her"*

When is consent needed?

You will need consent for a data processing activity when no other legal basis applies. There are not likely to be many occasions where consent would be required but an example would be where you wish to keep in touch with alumni for the purposes of fundraising.

To determine whether consent is an appropriate legal basis for processing consider:

- Does the data subject have real choice and control over how you use the data?
- If consent was refused would you still process the data?
- If consent is a pre condition of a service it is unlikely to be the most appropriate legal basis for consent.
- If you are in a position of power over individuals you should avoid relying on consent.

If the legal basis for processing the personal data will be consent you need to consider how you will gain and record the individuals' consent.

For consent to be valid the following must be adhered to:

- The request for consent must be prominent and separate from any terms and conditions.
- We must ask people to positively opt in and not use pre-ticked boxes or other types of consent by default.
- The language used must be easy to understand.
- Consent cannot be a pre-condition of a service.
- We must tell individuals that they can withdraw their consent.
- The individual must be able to withdraw consent without detriment.
- We must keep a record of how we got consent from the individual and exactly what they were told at the time.
- We must act on withdrawals of consent as soon as we can.

Are current consents valid?

If your records demonstrate what the individual has consented to, including what they were told and when and how they were told you can continue to rely on it.

If not you will need to seek new consent or identify a different legal basis for processing.

Consent and explicit consent

The GDPR refers to consent and explicit consent. Implied consent, inferred from someone's actions can never be explicit consent, however obvious it might be that they have consented.

The ICO gives the following examples:

- **Consent** can be given by using a positive action to opt in

e.g. Email address (optional) _____

We will use this to send you emails about our products and services.

- **Explicit consent** must be expressly confirmed in words

e.g. I consent to receive emails about your products and special offers

If you are relying on consent to process a special category of personal data it must be explicit consent.

Data Controller

The data controller for personal information held by the Group's independent schools is United Church Schools Trust (UCST). UCST is registered with the Information Commissioner's Office (ICO). The registration number is Z533407X.

The data controller for personal information held by the Group's Academies is United Learning Trust (ULT). ULT is registered with the ICO under registration number Z7415170.

The Company Secretary, Alison Hussain, is responsible for ensuring that the Group complies with the Data Protection Law. She can be contacted on company.secretary@unitedlearning.org.uk or 01832 864538.