

The role of a Parent Teacher Association/Friends of School can vary and can be used to help raise much needed funds for the school, provide assistance to other parents for school trips and outings, assist in the running of after school clubs and also to maintain a constant link between the school and all parents.

However, it is important to consider the role of the PTA in data protection compliance. This guidance note aims to give schools and PTAs more information so that they can consider how to ensure that data is protected by the activities of the PTA.

There are many circumstances in which personal data may be held. For example:

- The Secretary holds a list of all volunteers that attend or wish to be sent a copy of the meeting minutes.
- The PTA event organiser holds a list of volunteers.
- The Treasurer holds the completed Gift Aid and PTA donation forms in order to manage the tracking of donations and claiming gift aid from HMRC.
- The Treasurer submits the personal details of the Trustees (Chairman, Secretary, Treasurer and Headteacher) to the Charity Commission.
- Volunteers of the PTA share pupil names with a private company who are making Christmas Cards/tea-towels etc as a fundraising activity.

Is your PTA a registered charity?

Schools should be clear about whether the PTA is part of the school, or whether it is a separate organisation – many are set up as separate charities. If so, it is a stand-alone organisation, bound by the laws of the Charity Commission and legally separate in law to any associated school. If the PTA is part of school then the use of data for PTA purposes should be covered in relevant privacy notices. When the PTA is a separate organisation, schools need to identify an appropriate lawful basis to share personal data, such as mailing lists, with the PTA. The PTA should also consider the lawful basis upon which they process data. The ICO has lots of resources available for [small organisations](#).

Lawful basis explained

Consent

Consent is the lawful basis which is most relevant to PTA's. However, PTA's will be required to evidence any consent obtained and demonstrate that the request for consent was specific, transparent and 'opt-in', rather than 'opt out'.

Specific - Have you made it clear what you are seeking consent to use their data for?

Specify that consent relates to the activities of the PTA and avoid naming a single event. If you seek consent in relation to a Christmas Fair you will need to seek further consent for the Summer Disco. Ask for consent in relation to all PTA events and fundraisers. It is perfectly acceptable to list a few examples.

Transparency – Have you made it clear how you are using their data?

If you are likely to be using e-mail addresses for marketing other fundraisers this is quite different from seeking help to run a tombola. If you intend or need to share their data for a service you are offering (i.e. to a photography company) have you highlighted this?

'Opt – In' consent

Consent must be via a 'positive action', this means that those agreeing should be required to:

- Tick a box
- Sign a form
- Reply via e-mail
- Circling or crossing out a consent line on a form

You cannot assume consent for failure to disagree or failure to respond. Without a reply it must be assumed consent is NOT provided. You'll need to keep a record of the consent and these may be reviewed by auditors. Please see the end of this document for an example consent form for PTAs.

Contracts

If you have arranged a service you can keep the supplier details in order to fulfil the contractual obligation and to provide payments. If you are purchasing goods or a service which you are then selling to parents directly (printed tea towels or Christmas Cards) you may need the parents' personal details but you are not entering into a contract with the parent. Your contract, in this instance, is with the supplier. Therefore you would use the 'legitimate interest' basis for processing. (See below). The information provided is solely provided for the purchase of the service/product and therefore can only be used in this context. Any data which is not statutorily required must be deleted once the contract / sale is fulfilled.

Legal obligation.

There are a few instances where legal obligation means data is shared. For example, if you needed to send information to the Charity Commission, or to the police as part of a criminal investigation.

Vital interests.

This basis covers the sharing of data to safeguard the welfare of person from serious injury or death. If the PTA are offering a film night where PTA members are supervising and a child is taken ill or has an accident this basis allows for information to be shared with medical personnel. It is unlikely a PTA might need to use this basis.

Legitimate interests.

Legitimate interest is the broadest basis. Precisely because of this it can cover a multitude of eventualities. It can also be the hardest to prove if challenged. In order to use this basis you must evidence the fact that you have considered the rights and freedoms of the person involved and have decided that they would expect their data to be used in the way you intend to use it.

You may be able to use legitimate interest as a basis for communicating with PTA members about meetings and AGM's.

It may also be used when the PTA are re-selling products and services to parents and are acting as a go-between for the supplier.

Privacy Notices

In order to comply with the GDPR you need to be open and clear about what you are planning to do with the data you collect and that you tell people of your intentions in a way which they will understand. In some instances a PTA will be specifically referenced in the school's Privacy Notice, but if the PTA is a charity/separate to the school they will need their own.

What to include in a PTA Privacy Notice:

- Controllers name (This is your charity name or the name of the school)
- What personal data are you asking for?
- For what reason are you collecting data, e.g. what are you going to use it for?
- Is there a chance you may share their data?
- Who might you share it with and for what lawful purpose? (i.e. grant awarding bodies or other PTA members)
- How will you store their data?

- How long will you store their data?
- Disposal - How will you dispose of the stored data (paper and electronic)?
- If they have any concerns about how you handle their data, specify who they complain to, e.g. the chair-person or the Information Commissioner's Office.

Holding ("Processing") Data

Generally, organisations which hold or process personal data do need to register with the Information Commissioner's Office. There are, however, some exemptions including not-for-profit organisations. As long as your PTA is working on a not-for-profit basis - regardless of whether you have charitable status - you are NOT required to register as a data controller. You still have to comply with the Data Protection Act 2018 though. Some of the principles relevant for PTAs require you to make sure that the information you hold is:

- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up-to-date
- Not kept for longer than is necessary
- Held securely.

This includes keeping it safe so that unauthorised individuals can't access it, and not disclosing it to anyone else - including other parents, so if your PTA is emailing groups of parents, make sure you use the 'bcc' option to ensure that personal details are hidden from other recipients.

PTA's should ask themselves the following questions:

- **How** did we obtain this data?
(Was it passed from school/provided by the parent?)
- Was the individual concerned aware of **why** we were collecting it?
(Did they know that the data would **specifically** be used by the PTA?)
- Is the data **accurate**?
(How do we check the data is up-to date? If texts/e-mails bounce, do we correct the database?)
- Do we **need** all the data we have collected?
(Do we need full addresses if we send information by e-mail?)
- Is it **relevant** and proportionate, how long is it **retained**?
(Are we holding information for parents whose children have left the school / old members)

The General Data Protection Regulation (GDPR) builds on the principles so in addition you have to be able to demonstrate that you comply with data protection laws, for example by having data protection policies and procedures in place, and keeping evidence of parents' consent to use their details.

Contacting parents by Letter

You can send letters to parents so long as they would reasonably expect to hear from the PTA by letter and they haven't asked you not to contact them. In the letter you should clearly explain why the PTA wants to collect the information and what you'll do with it, including what you'll be using it to contact parents about. The PTA needs to give parents a genuine choice and obtain their opt-in consent for you to contact them by email or SMS. The ICO has helpful guidance on this and an example consent is below.

Contacting parents via Social Media

There are a variety of ways in which social media sites can be used to communicate - some of which might be compliant from a data protection point of view, and some which will not be. Just because parents have a publicly-accessible social media account doesn't mean it is reasonable for organisations to use that information as they wish - parents might not want to be contacted in this way. You need consent from parents to be able to contact them electronically, however, if you set up a private Facebook group and let parents know the details, including how the PTA will use the group to contact parents, they can choose whether to join the group or not.

Fundraising

Fundraising is "direct marketing" and subject to the GDPR. However fundraising can be lawful under GDPR and the school may be able to satisfy the "legitimate interest" ground for holding personal data for certain fundraising activities. Questions a school should ask themselves include:

1. Is people's data necessary to carry out this activity?
2. Have we struck the right balance between the requirement of the school to market itself and the individual's right to privacy?
3. Does that individual expect to hear from us in respect of fundraising? What privacy notice information have we provided them with?
4. Are we marketing and fundraising in a proportionate and reasonable way?
5. Do we have consent in place if we want to email, text or call people in the course of our marketing and fundraising activities?

The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act and the GDPR. They give people specific privacy rights in relation to electronic marketing. PTA's must use consent for all activities defined by data protection law as "marketing" when sending communications electronically.

Marketing includes asking for donations or selling items to raise funds, but did you know it also includes asking them to volunteer, sign-up to newsletters or sending celebratory information about the PTA's latest activities? Telephoning, emailing, texting or social media are ALL considered electronic communications.

Sending home flyers in book bags, handing leaflets directly to people or putting them through doors is not considered direct marketing. This is providing they are not individually addressed.

Events

When taking photographs or film of people to publish on your noticeboard or website you should get their consent, explaining what you intend to do with the photograph/footage including whether it is to be published and where. In relation to younger children, (generally considered to be under 13 years old), consent must be given by a parent or guardian on their behalf. PTAs should consult closely with the school before taking or using any photographs of events.

Example Consent Statement

Data Protection Consent

I _____ agree to [School PTA] using my data for the purpose of:

Electronic marketing, fundraising activities and event organisation, handle direct enquiries you make, general administration and maintain PTA records.

Mobile Number: _____

By providing a mobile number you are agreeing to be contacted in this way. This includes text message reminders about events.

E-mail Address: _____

By providing an e-mail address you are agreeing to be contacted in this way:

For full information about how we use your data, data access, processing security and disposal, please see our Privacy Notice. *(Direct them to where they can find this.)*

Signature.....

Date.....

If wish to withdraw your agreement at any point please let the PTA know in writing / e-mail *(provide details)*