



The Educational
Institute of Scotland

UsForThem Scotland

LF/KN/UsForThem 130121
13 January 2021

By email - usforthem2020@gmail.com

Dear Leadership Team *UsForThem*

The EIS (Educational Institute of Scotland) has been contacted by a number of our members who have expressed concern about requests being made, by *UsForThem* of its supporters, to monitor various aspects of home learning and to provide it with recordings of virtual lessons provided to students over the coming months. The EIS has not been contacted by *UsForThem* for consent to share recordings in this regard and, similarly, is not aware of any formal requests having been received by any of our members.

As you will be aware, recording and monitoring of individuals has a number of privacy and data protection implications.

First, EIS members delivering home learning have a reasonable expectation of privacy. Specifically, they would not expect that recorded footage of them would be shared and then published / used for a purpose other than home learning by pupils.

Secondly, under Article 6(1) of the General Data Protection Regulation, as a data controller, you must have a legal basis for processing personal data (such as video recordings). We do not believe that you have a legal basis for monitoring and/or sharing footage recorded by our members without their express consent under and in terms of the GDPR. For the avoidance of any doubt, unless a member expressly confirms otherwise, EIS members do not consent to the processing and/or publication of their personal data (including video recordings).

It is our position that: (i) publication of footage of members' teaching represents a breach of their right to privacy and data protection rights and is actionable in law against *UsForThem* or the individual who recorded and shared the footage; and (ii) *UsForThem* may therefore be encouraging individuals to break the law and expose themselves to the possibility of legal action by recording and sharing footage (without permission to do so).

Please cease and desist from calling upon your supporters to provide you with footage of home learning.

There may be further legal implications with regard to any pupils also being recorded, although that would be for Local Authorities or individual parents/pupils to pursue.

Please be aware that these actions of *UsForThem* is causing alarm and distress to some of our members in what is already a time of unprecedented stress and uncertainty.

Yours faithfully

A handwritten signature in black ink that reads "Larry Flanagan". The signature is written in a cursive, slightly slanted style.

Larry Flanagan
General Secretary