

Data Protection: Privacy Notice

May 2018

Privacy notice for staff

Under data protection law, individuals have a right to be informed about how we, ElmWey Learning Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage to work at our school.

The trust uses and processes this information within the remit of the Regulation (EU) 2016/679 (General Data Protection Regulation), referred to throughout this statement as the GDPR.

The categories of school information that we process include:

- personal information (such as name, contact details, date of birth, employee or teacher number, national insurance number)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences, reasons, attendance information)
- qualifications & training (such as degree certificates, QTS, courses attended, and where relevant, subjects taught)
- financial information (such as bank details for pay purposes)
- Identification information (such staff photo, fingerprints, passport details and copies of identification documents)
- emergency contacts information
- medical information (such as dietary requirements, emergency contacts and)
- CCTV images captured in school
- Vehicle information
- Employment vetting information (such as previous employers, DBS information)

We also process special categories of personal data that may include:

- physical or mental health; (such as information directly shared by individual e.g. for OH referral)
- racial or ethnic origin;
- religious or other beliefs of a similar nature

Why we collect and use workforce information

We use workforce data to:

- a) enable individuals to be paid
- b) facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- c) support effective performance and attendance management
- d) enable the development of a comprehensive picture of the workforce and how it is deployed
- e) inform the development of our recruitment and retention policies
- f) enable equality monitoring
- g) comply with right to work requirements
- h) enable access control
- i) ensure a safe working environment for staff and pupils
- j) provide payment systems to enable individuals to pay for meals and other items

Our legal basis for using this data

We only collect and use workforce data when the law allows us to. Under the General Data Protection Regulation (GDPR), the lawful bases (Article 6) we rely on for processing workforce information are:

- we need it to enter into a contract
- we need to comply with a legal obligation
- we need to carry out a task in the public interest

Less commonly, we may also process workforce data in situations where:

- we have obtained consent to use it in a certain way
- we need to protect the individual's vital interests (or someone else's interests).

Where we have obtained consent to workforce data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

In addition, concerning any special category data (GDPR Article 9), processing is deemed necessary on the following bases:

- for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject
- to protect the vital interests of the data subject or of another natural person
- where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- for reasons of substantial public interest

How we collect this information

We collect personal information via:

- job application forms
- new staff payroll information and emergency contact forms
- annual data checking form (SIMS)
- Biometric (fingerprint) collection on joining the school
- CCTV
- Direct communication from individuals both verbally and in written forms e.g. emails and forms

Workforce data is essential for the school's / local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

How we store this data

We hold workforce data securely while you are employed at our school. We may also keep this information beyond your employment at our school if this is necessary in order to comply with our legal obligations. The data retention schedule included in the [Information and Records Management Society's toolkit for schools](#) sets out how long we keep information about staff.

We keep data secure by:

- Ensuring paper-based records and portable electronic devices containing personal data are physically secure

- Enforcing password rules to ensure appropriate access to school computers, laptops and other electronic devices
- Protecting all portable devices i.e. laptops and iPad with encryption and management software
- Carrying out due diligence and taking reasonable steps to ensure secure storage and adequate protection where we need to share personal data with a third party

Who we share workforce information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
- Occupational Health Provider
- Our external HR and legal advisors
- suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll
- HMRC
- Pension providers

Why we share school workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our school employees with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

Transferring data internationally

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

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact our Data Protection Officer Mrs L Vishwanathan vishwanathan@heathside.surrey.sch.uk

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; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact Lara Vishwanathan, Data Protection Officer on lviswanathan@heathside.surrey.sch.uk

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department for Education

The Department of Education may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department for Education has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

To contact the department: <https://www.gov.uk/contact-dfe>