Privacy Notice (How we use workforce information)

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Avishayes Primary School & Early Years Centre is the 'data controller' for the purposes of data protection law. Our Data Protection Officer (DPO) is Amy Brittan (see 'Contact' below).

The personal data we hold about you

We hold some personal information about you when you are employed at a school in our Trust.

This includes:

- personal information (such as name, employee or teacher number, national insurance number, emergency contact details)
- 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 and reasons)
- qualifications (and, where relevant, subjects taught)
- relevant medical information
- photographs

This list is not exhaustive. To access the current list of categories of information we process please request to see our data asset audit by contacting the Trust.

Why we use this data

We use this data to help run the school and Trust including to:

- maintain accurate and up-to-date employment records and contact details (including details of emergency contacts)
- enable individuals to be paid
- support pension payments and calculations
- run recruitment processes
- operate and keep a record of disciplinary and grievance processes to ensure acceptable conduct in the workplace

- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
- obtain occupational health advice, to ensure that we meet obligations under health and safety law, and ensure that employees are fit to work
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled
- ensure effective general HR and business administration
- provide references on request for current or former employees
- respond to and defend against legal claims
- inform financial audits of the Trust
- inform national workforce policy monitoring and development
- provide information to local government as required by law in the event of a public health emergency

Our legal basis for using this data

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing workforce information are:

- *Article 6 (1) (b) Contract*: the processing is necessary because we have a contract with you and we need to process your personal information to comply with your contract
- *Article 6 (1) (c) Legal obligation*: the processing is necessary for us to comply with the law; we are required to share information about our workforce members under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
- *Article 6 (1) (e) Public Task*: we may collect information from you where it is necessary to perform a task in the public interest e.g. taking temperature data on site and / or sharing staff data with the local authority in the event of a public health emergency
- *Article 6 (1) (f) Legitimate interests*: we rely on having a legitimate reason as your employer to collect and use your personal information, and to comply with our statutory obligations
- For some data processing where there is no legal obligation, contract or legitimate interest for the Trust to collect and use the data, we will ask for your consent under *Article 6 (1) (a) Consent:* the individual has given clear consent for us to process their personal data for a specific purpose
- We may also share your information if we need to protect your *vital interests* (or someone else's interest) e.g. in a life or death situation we may share information with healthcare professionals

We may also collect and use information about your health. This is a special category of personal information, and we will only collect and use it when it is necessary for public health, e.g. protecting against serious threats to health. The legal basis here is *Article 9(2)(i) of UK GDPR*.

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without your permission where this is in the public interest. This is known as 'Section 251' approval and includes the use of the

information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

Where we have got your consent to use your data, you may withdraw this at any time. We will make this clear when we ask for your consent and explain how to go about withdrawing consent.

Collecting this information

We collect personal information via staff contract forms and annual data collection sheets.

Workforce data is essential for the Trust'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 UK 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.

Data sharing

For the most part, personal data collected will remain within the school and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

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

We may routinely share information with:

- professional advisers (e.g. lawyers, insurers, HR advisers and accountants)
- other employees, agents and contractors (e.g. third parties processing data on our behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing your data in a legal sense, as these are considered data processors on our behalf)
- when the Trust is legally required to do so (by court order, government body, law enforcement agency or other authority of competent jurisdiction), for example, Somerset Local Authority, the DfE, HMRC, DBS, the police)
- we may share personal data with future employers as part of a reference
- we may share images of staff on promotional material, on our website, on social media and with other media outlets if we have your prior consent

International transfers of personal data

We have audited where we store all the personal data processed in the school/Trust and by third party services. If a third-party service stores data in the EU or US, we have ensured

that safeguards such as standard contractual clauses are in place to allow the safe flow of data to and from the school.

How we store this data

We hold workforce data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements.

We are aware of the legal hold placed on the destruction of staff personnel files by the Independent Inquiry into Child Sexual Abuse (IICSA) and we are retaining staff personnel files until the publication of their final report and recommendations about file retention.

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner's Office of a suspected data security breach where we are legally required to do so.

Your rights

How to access personal information we hold about you

Under data protection legislation, our staff have the right to request access to information about themselves that we hold. To make a request for your personal information, contact the Trust.

If we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and using it, and how long we will keep it for
- Explain where we got it from
- Tell you who it has been, or will be, shared with

Your other rights over your data

You have other rights over how your personal data is used and kept safe, including the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress
- Stop it being used to send you marketing materials

- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it
- Claim compensation if the data protection rules are broken and this harms you in some way
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)

You may also ask us to send your personal information to another organisation electronically in certain circumstances. If you want to make a request, please contact our Data Protection Officer (see 'Contact').

Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong.

You can make a complaint at any time by contacting our Data Protection Officer.

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at https://ico.org.uk/concerns/
- Call 0303 123 1113
- Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer: dposchools@somerset.gov.uk

Last updated December 2021