



# Privacy Notice – Staff

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## Introduction

Moston Fields Primary School must process the personal data of our employees to ensure that we can meet the terms of your employment contract and fulfil our legal and administrative obligations as an employer.

As part of our obligations under data protection law, namely the UK General Data Protection Regulation (UK-GDPR) we must inform you how and why we process your personal data. The following privacy notice outlines what data we process about you as an employee, why we need it and how it is used.

This privacy notice applies to all employees of the school including those working with us on a temporary and voluntary basis. For the purposes of this privacy notice, we will refer to all parties as ‘employees’ of the school.

## Data Controller

The school is the ‘Data Controller’ for the personal information that we process about you. This means that we are responsible for your data and make decisions on how it is used.

## Data Protection Officer

The school has appointed a Data Protection Officer (DPO) who is responsible for overseeing compliance with the relevant data protection legislation. Our DPO provides support to the school and acts as the first point of contact for any questions or queries regarding data protection.

Our DPO is Miss Danielle Eadie from RADCaT Ltd who is supported by the leadership team at the school. Any data protection queries should be forwarded to the school office in the first instance.

**The personal data that we process about you and why we need it:**

The school will process the following categories of personal data about you before and during your employment with us:

Recruitment & Induction:

We process the following data about you to assess your suitability for the role, correspond with you during your employment and meet the legal and statutory duties placed upon us by the Department for Education who require us to submit data about our staff as part of the workforce census:

- Personal identifiers: Name, address and key contact details.
- Next of kin and emergency contact details.
- Special characteristics: D.O.B, gender, religion, place of birth and ethnicity.
- Employment and education history.
- Qualifications necessary to your role.
- Personal statement.

The school must partake in staff safer recruitment checks to meet our safeguarding obligations. Some or all of the following checks will be conducted on you and logged on your record:

- Identification (photo and address)
- DBS (renewed every three years)
- References
- Qualified Teacher Status
- Prohibition of Teachers & Management
- Non-British National Status
- Social Media Checks

We will also conduct and record a 'Right to Work' checks where applicable if your country of origin is not the UK. Similarly, occupational health checks will be performed should you disclose any health & wellbeing concerns to us that may impact your ability to perform your role. Occupational health records will be added to your personnel file.

Contractual Information

The following information is processed to fulfil the terms of your employment contract with us and to administer the payment of your salary and benefits:

- Employment contract and job description.
- Bank details
- NI number
- Payroll records: salary, hours worked, deductions (trade union subscriptions), overtime, expenses etc.
- Tax codes and submission records.
- Absences and leave records including flexible working, maternity and paternity leave.
- Pension and benefit records.

Please note that in the case of pensions and subscriptions, the school collates a limited amount of information to set up and administer the services. The respective provider store and manage your contributions and services.

### Performance Information

The school process the following information to monitor your performance, support your personal development and manage any performance related issues and concerns about you:

- Reviews and appraisals including records on promotion and contractual changes.
- Training and continual professional development records.
- Disciplinary and grievance records that you are party or subject to.
- Whistleblowing concerns that you are party or subject to.

### Health & Wellbeing Information

Employment and health & safety legislation requires the school to provide adequate levels of support to your health and wellbeing. As part of our compliance, we will process the following data where applicable:

- Occupational health and wellbeing records, reports and reasonable adjustments.
- Health management questionnaires.
- Fit notes and medical records received from your GP or other health agencies.
- Referrals for health and wellbeing support.
- Accident forms and records.
- Risk assessments, pregnancy and disability etc.

### General Information

The following information will be processed to help the school fulfil its operational duties and to meet its security and safeguarding obligations:

- Attendance on site and external trips.
- Access to school systems including monitoring of your usage of digital systems, email and internet etc.
- Images: CCTV
- Images: promotional for the school website etc (with your consent)
- Images: ID badge and for general identification.

### **How we get your information**

Most of the personal information we process is provided directly by you when you join the school as an employee. We will also receive information about you from third parties including:

- Previous employer in respect of references
- Providers of security checks and employee support services
- Government departments including HMRC, DfE and local authorities.

- HR and payroll providers who collate contractual and salary-based records.

Any further information will be collated by the school throughout our working relationship with you.

Most of the information provided to us about you is mandatory, we will however inform you in instances where the processing of your personal data is optional and seek your permission where necessary.

### The lawful basis for processing personal data

Under the UK-GDPR, we must have a lawful basis to process personal data; personal data is any data that can identify a living individual. The school rely on the following lawful bases when we process personal data relating to you:

1. We must process your personal data to meet a **legal obligation**, namely;

| Category                               | Law  | Purpose for Processing   |
|--|--|--|
| Recruitment                            | Keeping Children Safe in Education (2023)<br>UK Visa and Immigration Law               | Employment checks for the purposes of safeguarding & security.                 |
| Health & Wellbeing                     | Health & Safety at Work Act (1974)   | Maintain a safe workplace for staff and other members of the school community. |
| Employment                             | Employment Law UK (general)  | Fulfil our duties as an employer.  |
| Data Collection & Censuses for Schools | Department for Education Statutory Data Collections                                    | Workforce census.  |
| Equalities                             | Equality Act (2010)  | Protect against discrimination & provide equal opportunities.                  |
| Local Authority Data Sharing           | Education (supply information about the school workforce) (England) Regulations (2007) | Statutory data sharing to local authority.                                     |

2. We must process your personal data to meet a **contractual obligation**; to fulfil the terms of your employment contract with us. For instance, we cannot pay your salary and make tax submissions without processing your name, NI number, bank details and tax codes.
3. Personal data is processed in the performance of a **public task** for example:

- The use of CCTV to create a secure environment and to aid in crime prevention and detection.
  - Data is processed in the act of providing a full-time education to pupils.
  - Retaining an image of you for identification purposes.
4. The school has a **legitimate interest** to process your personal data; the legitimate interest could be that of the school, you as a staff member or other individuals such as our pupils. An example is using your name and school email address to provide you with access to educational programmes and software that helps to support your role and provide our pupils with learning resources.
  5. The school must process personal data in the act of protecting or saving someone's life; there is a **vital interest**. This lawful basis will typically apply in situations where we must share details with emergency services and first aiders if an incident or accident has occurred.
  6. You have provided your **consent** for us to process your personal data; consent will be sought for any data processing that is optional for instance when we ask you to take part in school photographs for use on our website and social media pages.

### Special Category Data

Special category data is information that we process that is much more sensitive in nature such as details about your health and wellbeing and characteristics including gender, ethnicity, religion and whether or not you are a member of a trade union. The school must take extra measures to ensure such information is secure and confidential, therefore we must meet an additional lawful basis from the UK-GDPR.

When processing special categories of personal data in the routine running of the school, we rely upon the following conditions:

1. You have provided your **explicit consent (written)** to the processing for instance when we make a referral to external agency for health and wellbeing support to help with your employment, and we need to exchange information about your health with them.
2. The school must process your personal data in the field of **employment, social security and social protection**. This condition covers the processing of your special category data to meet our legal obligations as an employer and education provider. Examples include:
  - Processing your ethnicity and place of birth to fulfil right to work checks.
  - Processing your health data as part of the first aid process if you have an accident, collating data about you if occupational health checks are required and logging information about your health if you are off sick.
3. Your personal data is processed in situations where there is a **substantial public interest**. This lawful basis will typically apply in the following scenarios:
  - We must submit special characteristics such as your gender and ethnicity to the DfE as part of the workforce census for equal opportunities monitoring.

- If you are party to or subject to a safeguarding concern and we must make a referral to the relevant third-party agencies, and it is not appropriate to seek your consent.
4. The school must process your special category data in the act of protecting or saving yours or the life of someone else; there is a **vital interest**. We have a duty to inform emergency services of any known allergies, medical conditions and religious preferences if an accident occurs.

In certain circumstances, the school may be required to process personal data (including special category) for the following reasons:

- If the school is involved in a legal claim that involves you; in such instances, we are processing personal data as part of or in defence of **legal claims and other judicial acts**.
- The school may be instructed to partake in public vaccination programs and health monitoring in situations where there is a threat to health such as a pandemic. In such instances, our lawful basis to process your health records is for **reasons of public interest in the area of public health**.

### **Consent**

Where consent is the lawful basis for processing, you have the right to withdraw your consent or change your preferences at any time by contacting the school office.

### **Storing and retaining your data**

To comply with the UK-GDPR, the school only keep personal data for as long as necessary to meet our legal and operational duties.

Our 'Records Management Policy & Retention Schedule' (available at our school office) outlines how long your records are kept and how we determine and manage these periods. As a rule of thumb, most of your records are held on your staff personnel file and kept for a period of 6years post-employment. Information relating to your salary and tax contributions is kept for 6years from the date of the current tax year to which they relate.

Personal data is stored securely on site. Records kept in electronic format are stored securely on carefully selected databases and systems that are fully encrypted with password protection and two factor authentication utilised where available. Physical records are kept in locked cabinets within locked offices and archive rooms; key access is strictly limited depending upon role.

If we must transfer your data to third parties, we will ensure this is done so using secure transfer methods.

School staff and those third parties accessing key records are subject to DBS checks and strict confidentiality agreements.

### **Sharing your personal information**

The school do not share your personal data with third parties unless the law or our policies permit us to do so. The school must partake in statutory data sharing with the following third parties to meet our obligations under the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments:

- The Local Authority
- The Department for Education

You can find out more about our statutory data sharing requirements in appendix 1.

In addition to our statutory data sharing, we outsource a number of key services that are vital to the functioning of the school. As part of this process, we will share your data with the following providers where applicable:

- HR & Payroll Provider
- ICT & System Providers
- Training Providers
- Educational Software & Resource Providers (to provide you with an account and access)
- Trade Unions and Professional Associations
- Professional Advisors & Consultants (solicitors etc)
- Auditors (to ensure compliance and best practice standards are being met)

In certain circumstances, we may be required to share your data with the following parties:

- Your emergency contacts if you are involved in an accident.
- Police and emergency services if there is an accident / incident involving you.
- NHS, occupational health and other third-party health and wellbeing agencies if you require additional support and reasonable adjustments to assist with your role.
- Ofsted if your data is relevant to an inspection.
- Examining bodies if your data is relevant to a check to ensure we are meeting examination regulations.
- Governing bodies such as the HSE and ICO if there is a significant accident / incident involving you.
- Insurance provider(s) if there is a claim involving you.
- Courts if there is a legal claim that involves you.

Checks are performed on third parties with whom we share personal data to ensure they meet the high levels of data protection compliance and security expected by the school. The school take a minimalist approach to data sharing and only provide the limited amount of data if it is strictly necessary.

### **Transferring data internationally**

We do not routinely transfer your personal data outside of the United Kingdom (UK). However, some of our software providers will store data remotely on servers outside of the UK, typically within the European Economic Area (EEA) whose member states must also comply to the same high standards set out in the UK-GDPR.

The school will not share any personal data with such providers or any third parties outside of the UK unless we are satisfied that they meet the necessary conditions of the UK-GDPR for international data processing.

## **Requesting access to your personal data and your rights**

Under data protection legislation, you have the right to request access to the personal data that the school holds about you. You have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified if it is inaccurate or incomplete.
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- to restrict our processing of your personal data (i.e., permitting its storage but no further processing).
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

Under data protection law, individuals also have certain rights regarding how their personal data is used and kept safe. You have the right to:

- object to the use of personal data if it would cause, or is causing, damage or distress.
- object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- in certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing.
- claim compensation for damages caused by a breach of the data protection regulations.

To make a request, please contact the school office in the first instance.

The school office along with the Data Protection Officer (DPO) will support you with your request; a response will be provided within one calendar month. The school has a legal right to extend this period by a further two months for any requests deemed complex, we will however inform you of our intentions to extend the response time within one calendar month.

## **Complaints**

If you have any concerns at all about how we process your personal data, please contact us in the first instance so that we can help resolve any issues.

You can also complain to the Information Commissioners Office (ICO) if you are unhappy with how we have used your data:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline: 0303 123 1113

Website: <https://www.ico.org.uk>

### **Last Updated**

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated in October 2023.

## **Appendix 1: How the government uses your data**

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) 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 (DfE) 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 (DfE)**

The Department for Education (DfE) 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 (DfE) 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 the Department for Education (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.

### **How to find out what personal information the Department for Education (DfE) hold about you**

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data, they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>