

The Crossley Heath School Academy Trust Privacy Notice – Workforce Information

At The Crossley Heath School Academy Trust, we oversee the management of workforce information in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. This document is designed to outline our approach to handling student data under our care.

The UK GDPR, which originated from the EU in 2018, has been adapted for the UK following its exit from the EU in 2019. Put simply, whenever we refer to GDPR in this document or related Academy materials, we're talking about the UK-specific version.

The categories of workforce information that we process include:

- **Personal information** (such as name, 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 and reasons)
- **Qualifications** (and, where relevant, subjects taught)
- **Result of Disclosure and Barring Service (DBS) check**
- **Contact information** (such as address, telephone number, email address, emergency contact details)
- **Pecuniary interests outside of academy** (which are deemed a conflict of interest)
- **Medical information** (such as medical needs, doctors information, GP statement of fitness to work.)
- **Payroll** (such as bank details, salary scale, wage, deduction of earnings, pension, tax and National Insurance)
- **Trips and activities** (dietary needs, medical needs and history and in some cases for overseas trips - passport numbers, birth certificates and divorce and marriage certificates for visas)
- **ID Management** (photographs and names for identification badges)
- **Proof of right to work in the UK**
- **CCTV Images**

This is not an exhaustive list. For the current categories of information we process, please contact Mr Jonathan Lees (DPO) at the school.

Why we collect and use workforce information

We collect and use workforce information, for the following purposes:

- a) enable the development of a comprehensive picture of the workforce and how it is deployed
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid
- d) to keep children safe
- e) to meet the statutory duties placed upon us.
- f) to facilitate school trips and activities
- g) to protect the vital interests of an employee

Under the General Data Protection Regulation (GDPR), the legal basis / bases we rely on for processing personal information for general purposes are:

Legal Obligation: Article 6(1)(c) of the GDPR for any statutory *processing which is necessary for compliance with a legal obligation to which we are subjected. This relates to tasks (c) (d) and (e) and includes the following statutory guidance:*

- Section 537A of the Education Act 1996, 17
- The Education Act 1996 S29(3)
- The Education (School Performance Information) (England) Regulations 2007
- Regulations 5 and 8 School Information (England) Regulations 2008
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- Education and Skills Act 2008
- DfE Keeping Children Safe in Education Guidance 2016
- *DfE Working Together to Safeguard Children (2015)*
- The Management of Health & Safety at Work Regulations 1999,
- Regulatory Reform (Fire Safety) Order 2005 England and Wales.
- Health and Safety at Work Act 1974
- The Disability Discrimination Act 1995
- Immigration, Asylum and Nationality Act 2006
- Employment Rights Act 1996
- Employment Relations Act 2004
- The Race Relations Act, 1976
- Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) Order 2018

We may process workforce personal data in accordance with a 'Public Task': Public interest or in the exercise of an official authority vested in us Article 6(1)(e) of the GDPR. This relates to task (f) and includes any process which is for necessary for the exercise of a task we have termed our 'Statement of Public Task', which is based on the curriculum requirements of section 78 of the Education Act 2002:

Statement of Public Task: *"To deliver a balanced and broadly based curriculum which - promotes the spiritual, moral, cultural, mental and physical development of students at the academy and prepares pupils for the opportunities, responsibilities and experiences of later life. This includes academy trips and activities; and where appropriate counselling services".*

Vital Interests: Article 6(1)(d) of the GDPR. Where the vital interests of an individual are at risk we will use Vital Interests as a lawful basis. This relates to task (g). If we need to seek consent, we will obtain this under Article 6(1)(a) Consent and section 9(2)(a)

Explicit Consent for Special Category Data: In addition, concerning any special category data we use Article 9(2)(g) of the GDPR and Schedule 1 Part 2 of the Data Protection Act 2018 in relation to statutory and government purposes, equality or opportunity of treatment and counselling. Where a vital interest is protected, we will use Article 9(2)(c); and Article 9(2) (h) and (i) for the purposes of a medical diagnosis or reasons of public health.

Collecting workforce information

We collect personal information via paper-based or electronic forms via the Executive Leader or the Arbor system.

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.

Storing personal data

The school will create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment has ended, the school will retain this file and delete the information in accordance with our data retention policy. Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, the school will shred or incinerate paper-based records and override electronic files. The school may also use an outside company to safely dispose of electronic records.

Who we share the information with:

We routinely share this information with:

- Our local Authority
- The Department for Education (DfE)
- Payroll and HR Services
- The School's Absence and Insurance Provider

Why the school may share workforce information

The school does not share personal data with any third party without your consent unless the law and our policies allow us to do so. Where it is legally required, or necessary (and it complies with data protection law) the school may share personal data with:

- the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure.
- the local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about Headteacher performance and staff dismissals
- The school also uses various systems, such as assessment and reporting software, communication systems and curriculum software that may process personal data. As the data controller the school will ensure that processors meet and uphold the required data protection standards
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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

The Department 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 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>

Your rights

How to access personal information the school holds about you:

Individuals have a right to make a 'subject access request' to gain access to personal information held. If you make a subject access request, and if the school does hold information about you, the school will:

- give you a description of it
- tell you why the school is holding and processing it, and how long it will be kept for
- explain where the school got it from, if not from you
- tell you who it has been, or will be, shared with
- let you know whether any automated decision-making is being applied to the data, and any consequences of this
- give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a subject access request, please contact the DPO (Jonathan Lees)

Other rights regarding personal data

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

- object to the use of your 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 exercise any of these rights, please contact the DPO.

Complaints

We take any complaints about the collection and use of personal information very seriously. If you think that the collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about data processing, please raise this with the school in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113