

# **PRIVACY NOTICE FOR STAFF (SCHOOL WORKFORCE)**

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Signed by CEO



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Southend East Community Academy Trust (SECAT) is committed to protecting the privacy and security of your personal information. This privacy notice explains how we collect, process and manage information for the school workforce. That includes employed members of staff, volunteers, trainee teachers, apprentices and work experience/workplace placements during and after your work relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees and workers.

## **Who collects this information?**

SECAT is a 'Data Controller' for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal information about staff.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

## **Personal data that we collect, process, hold and share**

- Personal information and contact details such as name, title, addresses, date of birth, phone numbers, employee or teacher number, and personal email addresses;
- characteristics information (such as gender, age, ethnic group);
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Information collected during the recruitment process that we retain during your employment including references, proof of right to work in the UK, application form, CV, qualifications;
- Employment contract information such as start dates, hours worked, post, roles;
- Education and training details, qualifications (and, where relevant, subjects taught);
- Details of salary and benefits including payment details, payroll records, tax status information, national insurance number, pension and benefits information;
- Details of any dependants;
- Medical information
- Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
- Information on your sickness and absence records such as number of absences and reasons (including sensitive personal information regarding your physical and/or mental health);
- Criminal records information as required by law to enable you to work with children;
- Your trade union membership;
- Information on grievances raised by or involving you;
- Information on conduct and/or other disciplinary issues involving you;
- Details of your appraisals, performance reviews and capability issues;
- Details of your timekeeping and attendance records;
- Information about the use of our IT, communications and other systems, and other monitoring information;
- Details of your use of business-related social media;
- Images of staff captured by the Trust's CCTV system;
- Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the Trust, you will be notified separately if this is to occur); and
- Details in references about you that we give to others.

## **Collecting this information**

Workforce data is essential for the school's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is provided to us 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.

We may collect this information from you, your personnel records, the Home Office, pension

administrators, your doctors, from medical and occupational health professionals we engage, the DBS, your trade union, other employees, other professionals we may engage (eg. to advise us generally), automated monitoring of our websites and other technical systems such as our computer networks and connections, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## **How we use your personal information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below:

- To determine recruitment and selection decisions on prospective employees;
- In order to carry out effective performance of the employee's contract of employment and to maintain employment records;
- To comply with regulatory requirements and good employment practice;
- To carry out vetting and screening of applicants and current staff in accordance with regulatory and legislative requirements;
- To enable the development of a comprehensive picture of the workforce and how it is deployed and managed;
- To enable management and planning of the workforce, including accounting and auditing;
- Personnel management including retention, sickness and attendance;
- Performance reviews, managing performance and determining performance requirements;
- In order to manage internal policy and procedure;
- Human resources administration including pensions, payroll and benefits;
- To determine qualifications for a particular job or task, including decisions about promotions;
- Evidence for possible disciplinary or grievance processes;
- Complying with legal obligations;
- To monitor and manage staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purposes of safeguarding;
- To monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communications systems and preventing malicious software distribution;
- Education, training and development activities;
- To monitor compliance with equal opportunities legislation;
- To answer questions from insurers in respect of any insurance policies which relate to you;
- Determinations about continued employment or engagement;
- Arrangements for the termination of the working relationship;
- Dealing with post-termination arrangements;
- Health and safety obligations;
- Prevention and detection of fraud or other criminal offences; and
- To defend the Trust in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract

we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers). We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

## **How we use particularly sensitive information**

Sensitive personal information (as defined under the GDPR as 'special category data') require higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances:

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to pension schemes);
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

We will use this information in the following ways:

- Collecting information relating to leave of absence, which may include sickness absence or family related leave;
- To comply with employment and other laws;
- Collecting information about your physical or mental health, or disability status, to ensure your health and welfare in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to manage sickness absence and to administer benefits;
- Collecting information about your race or national or ethnic origin to ensure meaningful equal opportunity monitoring and reporting;
- To record trade union membership information to pay trade union premiums and to comply with employment law obligations.

## **Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

## **Automated decision-making**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **Why we collect and use workforce information**

We share information to comply with statutory, regulatory and contractual obligations. These may include, but are not limited to:

- improving the management of workforce data across the sector enabling development of a comprehensive picture of the workforce and how it is deployed

- pay salaries and pension contributions
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring
- supporting the work of the School Teachers' Review Body
- comply with guidance such as 'Working Together' and safeguarding obligations
- facilitating good governance
- internal reviews and quality monitoring
- CPD and staffing issues

If we are required to comply with other legal obligations not listed above, we will share data only when it is lawful to do so.

We use workforce data to:

- 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

## **The lawful basis on which we process this information**

We must make sure that information we collect and use about our workforce is in line with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

The lawful basis for schools to collect and process information comes from a variety of sources, such as Article 6 and Article 9 of the UK GDPR and the Safeguarding of Vulnerable Groups Act 2006. We also have obligations to organisations such as HMRC and the Department of Work and Pensions.

Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life;
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses three times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-Trusts>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

## **Who we share workforce information with**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following:

- our local authority
- the Department for Education (DfE)
- safeguarding and protection for children and vulnerable adults
- payroll services
- legal advisers
- insurance providers
- HMRC
- Teacher Pension Scheme and the Local Government Pension Scheme (and other pension providers)
- health professionals
- Ofsted;

- Other government departments or agencies;
- Prospective employers;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer (LADO);
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The Local Authority;
- Occupational Health;
- Disclosure and Barring Service (DBS);
- Recruitment and supply agencies.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations; we require them to respect the security of your data and to treat it in accordance with the law.

## **Why we share school workforce information**

We do not share information about 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 (DfE)**

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 with the Department for Education (DfE) for the purpose of those data collections, under:

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.

For more information, please see 'How Government Uses your Data' section of this privacy notice.

## **Retention periods**

Except as otherwise permitted or required by applicable law or regulation, the Trust only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the Trust considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer an employee or worker of the Trust, we will retain and securely destroy your personal information in accordance with our data retention policy.

The Trust typically retains personal data for six years, subject to any exceptional circumstances, or to comply with laws or regulations that require a specific retention period.

## **Security**

We have put in place measures to protect the security of your information (ie, against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know.

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## Requesting access to your personal data

Under data protection legislation, 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

If you want to exercise any of the above rights, please email [GDPR@secat.co.uk](mailto:GDPR@secat.co.uk)

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

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

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

## Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting [GDPR@secat.co.uk](mailto:GDPR@secat.co.uk)

## Contact us

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you email [GDPR@secat.co.uk](mailto:GDPR@secat.co.uk) in the first instance to raise your concerns.

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by emailing our internal Data Protection Lead [TerryDignam@secat.co.uk](mailto:TerryDignam@secat.co.uk) then you can contact the DPO on the details below:

### **Data Protection Officer (DPO)**

Name: Helen Wilson  
Details: SBM Services  
01206 671103  
Email: [helen.wilson@sbmservices.co.uk](mailto:helen.wilson@sbmservices.co.uk)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns/>.

Email: [helen.wilson@sbmservices.co.uk](mailto:helen.wilson@sbmservices.co.uk)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK

supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

## How Government uses your data

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

- informs 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 of 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>