



## **Staff Privacy Notice** **(How we use school workforce information)**

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR). We encourage you to read this notice carefully, 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. It applies to all employees, volunteers, and contractors.

If you have any questions about this privacy notice or how we handle your personal information as an employee, volunteer or contractor please contact the DPO.

As a data controller, we are responsible for deciding how we hold and use personal information about you. This notice explains to you what decisions we have taken in relation to that information.

### **The categories of school workforce information that we collect, process, hold and share include:**

We collect personal information about our employees through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies and/or other background credit agencies and the Disclosure and Barring Service.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data linked to the Equalities Act, i.e. gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- Contractual information such as job title, salary and hours
- Personal contact details including addresses and telephone numbers

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

We use school workforce data to:



- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- in case of an emergency

## The lawful basis on which we process this information

We process this information under Article 6 and Article 9 of the GDPR. These are;

- Processing is necessary for the performance of a contract to which the data subject is party;
- The individual whom the sensitive personal data is about has given explicit consent to the processing;
- The processing is necessary so that you can comply with employment law;
- The processing is necessary for monitoring equality of opportunity and is carried out with appropriate safeguards for the rights of individuals.

## Collecting this information

Whilst the majority of the information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## Storing this information

Staff Personnel Paper files for all employees are held by the Principal in schools and by HR for centrally employed staff. They mainly comprise information on the teaching qualifications, information on the recruitment and employment of the staff member including pay, training, sickness, general correspondence and disciplinary records (where they exist). After the member of staff has left the School the personnel file is retained at the school for 6 years unless there has been a safeguarding allegation. The record is then retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

All pension and payroll information is held directly with the 3<sup>rd</sup> party provider.

Records relating to unsuccessful candidates are held for 6 months after the date of interviews and then destroyed. If it is the intention to retain data on any unsuccessful candidate for longer than this period they must be notified of this intention and given the opportunity to object.



## Who we share this information with

We share this information as requested and required with:

- our local authority
- LGPS Administration and LADO
- the Department for Education (workforce census)
- 3rd Party employee management software that is GDPR compliant. E.g. SIMS
- 3<sup>rd</sup> Party payroll software that is GDPR compliant. E.g. Data Plan
- Government Departments including Department for Work and Pensions, HMRC and Child Support Agency
- Pursuant with a Court Order requiring disclosure
- For the purpose of prevention or detection of crime, the apprehension or prosecution of offenders and we have received a notice from the police confirming that the disclosure is required for these purposes

## Do we need your consent to use particularly sensitive information?

We do not need your consent if we use your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data.

If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## 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)**

We 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 and the assessment educational attainment.



We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

## Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

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>.

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.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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



## 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 [dataprotection@avanti.org.uk](mailto:dataprotection@avanti.org.uk).

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- request the transfer of your personal information to another party
- 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, 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/>

## Right to withdraw consent

In any circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the DPO. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## Further information

If you would like to discuss anything in this privacy notice, please contact:

[dataprotection@avanti.org.uk](mailto:dataprotection@avanti.org.uk)