3.0 Privacy Notice – Workforce

Croft Primary School

[Version 1]

Last Reviewed	**Autumn Term 2023**
Reviewed By (Name)	**Sharon Bell**
Job Role	**School Business Manager**
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This document will be reviewed annually and sooner when significant changes are made to the law.

Guidance from the Department for Education about school policies can be found here: https://www.gov.uk/government/publications/statutory-policies-for-schools-and-academy-trusts/statutory-policies-for-schools-and-academy-trusts

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3.1 Privacy Notice (How we use workforce information)

Croft Primary School collect, hold, use and share information about our workforce. This is known as "personal data" and you have rights around that data, including knowing how and why we are processing the data. "Processing" data means everything from collecting, to storing, using, sharing and disposing of it. The School workforce includes all those employed to teach, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at the school.

For the purposes of Data Protection legislation Croft Primary School is a data controller and is registered as such with the Information Commissioner's Office.

3.2 The categories of school workforce information that we process include:

- personal information (such as name, address, 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) and relevant medical information*
- qualifications (and, where relevant, subjects taught)
- photographic and CCTV records*
- information about medical or health conditions, including whether you have a disability for which the school needs to make reasonable adjustments*
- details of trade union membership if you pay your subscriptions through payroll*
- equalities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief*
- Next of Kin and emergency contact details
- recruitment information including right to work documentation, references, application and/or CV
- checks made regarding online presence including social media searches
- performance information
- information relating to grievance and/or disciplinary procedures

We may also collect, use and store information about criminal convictions, offences and prohibitions. This information may have come from other organisations including former employers, Teacher Regulation Agency, social services and the Disclosure & Barring Service.

3.3 Why we collect and use workforce information

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

d) facilitate safer recruitment (e.g. by carrying out criminal records checks and requesting references)

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e) support effective performance management

f) allow better financial modelling and planning

g) support the management of absence

h) photographic images for identification purposes (safeguarding), and celebration purposes (to record work, classes and school events)

i) to meet our statutory duties

j) for site safety and security

k) to protect public monies against fraud

l) to detect and prevent crime and combat fraud

m) to streamline systems

Under the UK General Data Protection Regulation (UK GDPR), the legal basis for processing your personal information include:

- Article 6(a) – Your consent (for any processing which does not fall into the other bases explained below)
- Article 6(b) Contract (your contract of employment)
- Article 6(c) - Compliance with our legal obligations

  In particular, but not exclusively:

  Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments

  Keeping Children Safe in Education 2022 (statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002 etc).

  Equality and Health & Safety legislation.
- Article 6(e) – Carrying out tasks in the Public Interest.
- Article 6(f) – For legitimate Interests (as this generally relates to commercial practice, this may only be relevant to MATs and their relation to trust level staff or fundraising activities in maintained schools)

The ways we collect and use *sensitive* workforce information are lawful based on: your explicit consent; for compliance with certain legal obligations, or for exercising certain legal rights; for protecting a person's vital interests in an emergency; for health and public health reasons; or for carrying out tasks that are in the substantial public interest including for safeguarding purposes.

Please refer to our Special Category Data Policy document for full details of these lawful bases for processing this data. Types of data that are special category are indicated above by *.

3.3.1 Marketing Purposes

Where you have given us consent to do so, we may send you marketing information by text message or email promoting school events, campaigns and or charities. You can withdraw this consent at any time by contacting us (see the Contacts section) or emailing the head teacher or the school business manager with your opt out request.

3.3.2 Automated decision making & profiling

We do not currently process any personal data through automated decision making or profiling. Should this change in the future, privacy notices will be updated to explain both the processing and your right to object to it.

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3.4 How we collect workforce information

We collect this information in a variety of ways. For example, data is collected through application forms, obtained from your passport or other identity documents such as your driving licence, from forms completed by you at the start of or during employment (such as pension benefit nomination forms), from correspondence with you, or through interviews, meetings or other assessments, self-certification forms [medical], Fit Notes, images provided by individuals or taken using school photographic equipment, local authorities, previous employers, NHS, the Police, the Disclosure and Barring Service and the Department for Education [DfE].

We sometimes audio/ video record sessions/lessons/assessments for pupil or staff development and assessment. This will generate personal data including staff images, names, contributions, and will be protected, processed and retained in the same way as all personal data, in line with the school's Data Protection Policies and in accordance with our other policies including Acceptable Use, Off Site Working and Bring Your Own Device policies, as well as our Retention Schedule. Recordings in these circumstances will be carried out in line with our HR policies.

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. We will inform you at the point of collection, whether you are required to provide certain information to us and your rights in relation to this.

3.5 How, where and for how long we store workforce information

We store workforce information securely on the School's IT network, hosted on local server, supported by AtomIT, Safeguarded with username/passwords and security permissions.

Secure storage is provided for paper based records.

We only keep the information for the length of time we need it for, as shown in our data retention schedule. For more information on our data retention schedule, please visit: the policy section on our school website.

We dispose of personal information securely when we no longer need it.

3.6 Who we share workforce information with

We routinely share this information with:

- our Local Authority (particularly in relation functions related to HR, payroll and Criminal Records checks)
- our Governing Body
- the Department for Education (DfE)
- HMRC
- The Disclosure and Barring Service
- Employers where references are requested
- Police
- External systems used by the School to carry out day to day processes and requirements. For example, and not limited to; Scholarpack, Bug Club, Times Tables Rockstars, ParentPay.

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See appendix 1 for a comprehensive list of external agencies we share information with.

Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected by the use of International Data Transfer Agreements and security measures, and other appropriate safeguards. For more information on international transfers, please contact us at the details below.

3.7 Why we share school workforce information

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

3.8 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.

This may include, inter alia matters relating to the following: -

- payroll,
- contracts,
- Occupational Health

3.9 Department for Education

We share personal data with the Department for Education (DfE) on a statutory basis. We are required to share information about our school employees with the Department for Education (DfE) under the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework. 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

3.10 Freedom of Information Act and Environmental Information Regulations 2004

As a public body, our school is subject to requests made under the above legislation. Therefore, we have a legal obligation to process any personal data we hold when considering requests under these laws.

For example, we may receive a request asking about numbers of staff with particular levels of professional qualification.

However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

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3.11 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 the School Office, the Headteacher or the Data Protection Officer.

You also have the right to:

- be informed about the collection and use of your personal data.
- rectification, ie to have inaccurate personal data rectified, or completed if it is incomplete.
- erasure, often known as the 'right to be forgotten'; however this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
- restrict processing, although, as above this is a limited right.
- object; though other than for marketing purposes, this is also limited as above.
- Where we rely on your consent to process your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know – our contacts are in section 2.14 at the end of this document.
- You also have rights in relation to automated decision making and profiling, though these are not currently relevant
- Finally, the right to seek redress, either through the ICO, or through the courts

3.12 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.

3.12.1 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.

3.12.2 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:

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- 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.

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at http://www.derbyshire.gov.uk/privacynotices ; or
- the DfE website at https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

If you are unable to access these websites, please contact:

3.13 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 on 7th July 2023.

3.14 Contacts

If you have a concern about the way we are collecting or using your personal data or you would like to discuss anything in this privacy notice, we ask that you raise your concern with us in the first instance.

Please contact the School Office, Headteacher or School Data Protection Officer:

Data Protection Officer	Education Data Hub (GDPR for Schools), Derbyshire County Council
DPO Email:	gdprforschools@derbyshire.gov.uk
DPO Phone:	01629 532888
DPO Address:	County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG

For Derbyshire County Council:

Information Governance Officer

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Children's Services Department, Derbyshire County Council

County Hall

Matlock

Derbyshire

DE4 3AG

Email: cs.dpandfoi@derbyshire.gov.uk

Telephone: 01629 536906

For DfE:

Public Communications Unit,

Department for Education,

Sanctuary Buildings,

Great Smith Street,

London, SW1P 3BT

Website: www.education.gov.uk

https://www.gov.uk/contact-dfe

Email: http://www.education.gov.uk

Telephone: 0370 000 2288

If however you are dissatisfied with our response to your concerns you can of course contact the ICO quoting our ICO registration number Z9099184 and stating that the Data Controller is Croft Primary School.

Information Commissioners' Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Website: https://ico.org.uk/concerns/

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