

## **STAFF PRIVACY NOTICE**

### **1. How we use staff information**

Data protection legislation gives staff the right to be informed about what personal data is held on them, how that data is used, who it is shared with and how long it is retained. This privacy notice provides this information, in general terms, in relation to information held on school staff, as well as the lawful bases under which it is collected and retained.

If after reading this notice you have any questions relating to the data we hold or how we use it, please contact our Data Protection Officer, whose contact details are listed in section 11 of this notice.

South Essex Academy Trust is the Data Controller in charge of the data.

### **2. Categories of information**

The categories of information that we collect, hold and share include but are not limited to:

- Personal information (such as names, employee or teacher number & next of kin)
- Personal characteristic information (such as gender & age)
- Special category data (including health data, trade union membership & ethnic group)
- Contract information (such as job roles, start dates, hours worked and salary information)
- Payroll information (such as bank account details and national insurance number)
- Qualifications (including, where relevant, subjects taught)
- Relevant information regarding safeguarding
- Work absence information (such as number of absences and reasons)
- Performance information and outcomes of any disciplinary and/or grievance procedures
- Photographs
- Driving licence information
- CCTV footage
- Data about your use of the school's information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions, and sickness records

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

We use school staff data to:

- communicate with staff
- facilitate safe recruitment as part of our safeguarding obligations
- support performance management
- enable the development of a comprehensive picture of the workforce and how it is deployed
- improve the management of workforce data across the sector
- inform the development of recruitment and retention policies
- enable individuals to be paid
- allow better financial modelling and planning

- enable monitoring of selected protected characteristics
- ensure compliance with our legal obligations

#### **4. The lawful basis on which we use this information**

Most data will be processed under Article 6 of the UK General Data Protection Regulation (UK GDPR) on the basis that:

- processing is necessary for the performance of a contract to which the member of staff is party or in order to take steps at the request of the data subject prior to entering into a contract or
- processing is necessary for compliance with a legal obligation to which we are subject or
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. We may also process staff personal data in situations where:
- processing is necessary in order to protect the vital interests of the member of staff or
- the member of staff has given consent to the processing of their personal data for one or more specific purposes.

Where consent has been obtained to use your personal data, this consent can be withdrawn at any time. This will be made clear when we ask for consent and we will explain how consent can be withdrawn.

Occasionally, where the processing is not part of our performing tasks as a public authority, we may process data under the lawful basis that it is in our legitimate interests or the legitimate interests of a third party to do so.

In these circumstances we would be using the data in a way that would be reasonably expected by the member of staff concerned and the processing will have a minimal privacy impact or there will be a compelling justification for the processing. There may be more than one ground which justifies our use of a particular category of data.

If we need to process any special category data under Article 9 of the UK GDPR which is of a more sensitive nature, we will only do so if we have a lawful basis to do so under Paragraph 2 of Article 9 of the UK GDPR. No decisions are made by the school through automated decision making (including profiling).

#### **5. Collecting staff information**

The majority of staff information collected is obtained directly from the member of staff concerned either as part of the recruitment process or upon their commencement of employment via initial application and payroll paperwork.

Whilst most 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 the UK General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

We may also hold data about staff which has been provided by another party, such as a local authority, a government department or agency, a police force, court of law or tribunal.

## **6. Storing data**

Most staff data is retained:

- throughout the period during which the member of staff remains employed by the school and
- up to six years plus the current year once a member of staff leaves the school.

Data is kept in accordance with our retention policy which can be viewed upon request by contacting the school. When personal data is no longer needed, we will dispose of it in a secure manner. In order to protect data whilst it is in our possession we have data protection policies and procedures in place. These include strong organisational and technical measures and these are reviewed regularly.

For further information on how data is protected please contact the school's Data Protection Officer whose contact details can be found at the end of this privacy notice.

## **7. Sharing staff information**

We do not share information about staff with any third party without consent unless the law and our policies require or allow us to do so.

We routinely share staff information with:

- Our local authority – for example: Payroll, Human Resources (HR), pension data and safeguarding concerns
- The Department for Education (DfE)
- Her Majesty's Revenue and Customs (HMRC)
- Health authorities
- Absence Insurance Services
- IT support services
- Our auditors
- Ofsted
- Trade unions and associations

Less often, we may also need to share information with other individuals or organisations. These may include charities and voluntary organisations, professional advisors and consultants, police forces, courts and tribunals.

Should we need to transfer personal data to a country or territory outside the European Economic Area, we would do so in accordance with data protection law.

To support NHS Test and Trace (which is part of the Department for Health and Social Care) we may share with them staff names, contact telephone numbers and possibly the dates when they have been present at the school. We will only share information with NHS Test and Trace if it is specifically requested by them. If this information is requested by the NHS Test and Trace service, the service would at that point itself become responsible for compliance with data protection legislation regarding that data.

As part of safeguarding your personal data, NHS Test and Trace has in place technical, organisational and administrative security measures to protect your personal information in order to protect it from loss, misuse, unauthorised access, disclosure, alteration and destruction. NHS Test and Trace

will not disclose your information to any third party unless required to do so by law (for example, as a result of receiving a court order).

### **Why we share school staff information**

**Local authority** - We are required to share information about our staff 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. This data sharing underpins staff policy monitoring, evaluation and links to school funding/expenditure and the assessment of educational attainment. We are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

All data is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current government security policy framework. For more information, please see the 'How the Government uses your data' section of this privacy notice.

### **8. Requesting access to your personal data and your data protection rights**

Under data protection legislation, you have the right to request access to information about you that we hold by making a Subject Access Request. If you make a Subject Access Request we will:

- Give you a description of the information held
- Tell you why we are processing it and for how long we will keep it
- Explain where we 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 also have the right to:

- Object to processing of personal data if it is likely to cause, or is causing, damage or distress
- Prevent processing of your personal for the purpose of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances: have personal data erased or destroyed, restrict the processing of data and have inaccurate or incomplete personal data rectified
- Seek redress, either through the Information Commissioner's Office or through the courts. In certain circumstances, individuals also have the right for their personal information to be transmitted electronically to another organisation.

If you would like to make a Subject Access Request or exercise another of the above rights, please contact our Data Protection Officer whose contact details are listed at the end of this notice.

## **9. Withdrawal of consent and the right to lodge a complaint**

### **Withdrawing consent**

Where we are processing your personal data with your consent, you have the right to withdraw that consent at any time by contacting the Data Protection Officer via [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk)

### **Making a complaint**

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with the Trust by contacting our Data Protection Officer (see Contact Us below) to express your concerns.

Alternatively, you can contact the Information Commissioner's Office:

- report a concern online at <https://ico.org.uk/concerns/>
- call 0303 123 1113
- or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF 10.

### **Review and Update**

We may need to review and update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 28 September 2021.

## **11. Contact us**

If you have any questions or concerns or you would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer (DPO):

Natalie Fardon-Wood (DPO)  
South Essex Academy Trust  
Westwood Academy  
Beresford Close  
Hadleigh  
Essex  
SS7 2SU  
Email: [dpo@seacademytrust.co.uk](mailto:dpo@seacademytrust.co.uk)

## **12. How the Government uses your data**

The workforce data that we lawfully share with the Department for Education 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, please go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

## **Sharing by the Department for Education (DfE)**

The Department for Education may share information about 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 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 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 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 holds about you Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- 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, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

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

Options for contacting the DfE are available via the following web page:

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