

STAFF PRIVACY NOTICE

South Essex Academy Trust (SEAT) is the employer for all schools within the Trust. For the purposes of Data Protection Legislation, the Academy Trust is the Data Controller. This means that it is in charge of personal data about you.

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, 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.

The Trust is registered with the Information Commissioners Office and follows the principles of the UK GDPR. This privacy notice covers all schools within the Trust.

In this privacy notice 'we' and 'us' means the Academy Trust.

1. Keep us up to date

It is important that you let us know if there are any changes to your situation or personal details. This is so that we can manage and protect you, your data and communicate with you safely and efficiently.

Please let us know straight away if any of these details change; your:

- name
- address
- phone number (including mobile)
- personal email address

We will contact you (and your emergency contacts) using the most recent address, email or phone number you have given us.

If you fail to tell us promptly about a change in your details, you may not receive information that could be important – or it could fall into the wrong hands. We will communicate with you using your work email address in the first instance, however, if you are not at work for a period of time and you have provided a personal e-mail address we will use this for important messages that relate to you.

2. Summary of processing

We process personal data relating to those we employ to work, or otherwise engage to work, within our Trust. This is for employment purposes to assist in the running of the Trust and to enable individuals to be paid.

We process personal data relating to those who volunteer, or otherwise engage in a volunteering capacity, within our Trust. This is necessary to adhere to our statutory requirements for keeping children safe in education.

This personal data includes identifiers detailed but not limited to the following categories of information.

3. Categories of information

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

- Personal information (such as names, contact details, marital status, 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)
- Recruitment information (including copies of right to work documentation and other information as part of the application process)
- Contract information (such as job roles, start dates, hours worked, pension, annual leave and salary information)
- Payroll information (such as bank account details, payroll records, tax status information and national insurance number)
- Qualifications (including, where relevant, subjects taught)
- Employment records (including work history, job titles, working hours, training records and professional memberships)
- 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/insurance details
- 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

During the recruitment process we may receive information about you from a previous employer or an educational establishment which you have previously attended. You will know about this because you will have supplied us with the relevant contact details.

4. 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

- enable ethnicity and disability monitoring
- support the work of the School Teachers' Review Body

5. Collecting staff information

The majority of staff information collected is obtained directly from you either as part of the recruitment process or your 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 you 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. The lawful bases on which we use this information

Collecting and using your information in this way is lawful because;

- the processing is necessary for the performance of a contract which you are party i.e. your employment contract or in order to take steps at your request prior to entering into a contract
- processing is necessary for compliance with a legal obligation to which we/you are subject, for example our legal duty to safeguard pupils
- processing is necessary for the performance of our education function, which is a task carried out in the public interest or in the exercise of official authority, this could include a School Prospectus
- processing is necessary in order to protect vital interests of yourself or others i.e. to protect pupils from harm.
- you have given consent to the processing of your 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.

Less commonly, 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, provided your interests and fundamental rights do not override those interests. For example, we may rely on legitimate interests when seeking professional advice.

In these circumstances we would be using the data in a way that would be reasonably expected by you 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 basis which justifies our processing of a particular category of your 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).

7. Storing data

The security of your personal data is of paramount importance to us. The majority of the personal data we hold is stored electronically, in our secure IT systems, or in hard copy either at our secure office premises or at a secure offsite archive provider. It may also be stored by third parties processing your data on our behalf but this will comply in accordance with a data processing agreement.

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.

8. 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 or there is a duty to the public to reveal the information, e.g. regulatory bodies, tax authorities, the department for education or education funding agency.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- Our 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. We would also share information regarding safeguarding concerns to meet our legal obligations.
- Payroll, pension data and Human Resources (HR) to enable you to be paid, ensure you are paying the correct amount and maintain your entitlement to a pension upon your retirement or for the purposes for HR management for example.
- The 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.

- Her Majesty’s Revenue and Customs (HMRC) in conjunction with your legal obligation to pay income tax and make national insurance contributions
- Health authorities for the purposes of sickness absence management or return to work adjustments for example
- Absence Insurance Services for the purposes of sickness absence management
- IT support services necessary for the performance of our education function
- Our auditors to ensure compliance with our legal obligations
- Ofsted is our regulator so we may share your personal information with them in the exercise of official authority
- Trade unions and associations to support Trust employees

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 including legal, police forces, courts and tribunals.

We do not currently transfer personal data to a country or territory outside the European Economic Area, should we need to we would do so in accordance with data protection law.

Why we share school staff information

Our disclosures to third parties are lawful because one or more of the following reasons apply:

- the disclosure is necessary for the performance of a contract which you are party i.e. your employment contract or in order to take steps at your request prior to entering into a contract
- disclosure is necessary for compliance with a legal obligation to which we/you are subject, for example our legal duty to safeguard pupils
- disclosure is necessary for the performance of our education function, which is a task carried out in the public interest or in the exercise of official authority
- disclosure is necessary in order to protect vital interests of yourself or others i.e. to protect pupils from harm.
- you have consented to the disclosure for one or more specific purpose
- disclosure is necessary under the basis of legitimate interests or the legitimate interests of a third party to do so.

9. 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’, and if we do hold information about you, 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.

Data protection law provides you with the following legal rights in certain circumstances:

- request access to a copy of your personal data that we hold;
- request rectification of your personal data if you believe the information we hold about you is inaccurate or incomplete;
- request erasure of your personal data where you believe we have no good reason to continue processing it;
- object to the processing of your personal data in certain circumstances such as where we are processing it for our “legitimate interests”, for direct marketing or on the legal basis of “public task”;
- ask to restrict the processing of your personal data in certain circumstances such as where you wish to suspend its processing whilst you establish its accuracy or the reason for processing it;
- withdraw your consent to the processing of your personal data, if we are processing it on the basis of your consent;
- request the transfer of your personal data (the right to data portability) to another organisation in a specific format that makes it easy for them to use.

Some of these legal rights do not apply in all circumstances. We may be able to refuse or partially refuse requests in certain circumstances such as where a legal exemption applies.

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.

10. 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

Making a complaint

We take any complaints about our collection and use of personal information very seriously. If at any time you are not happy with how we are processing your personal information 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. If you are not happy with the outcome you may raise a complaint with the Information Commissioner’s Office;

Information Commissioner’s Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF 10

Alternatively, you can;

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

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 08 March 2022.

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):

Data Protection Officer (DPO)
South Essex Academy Trust
Westwood Academy
Beresford Close
Hadleigh
Essex
SS7 2SU
Email: 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>