



# **Workforce Privacy Notice**

**To be reviewed on an annual basis by the Trust Board**

**History of Document**

<b>Issue No</b>	<b>Author</b>	<b>Date Reviewed</b>	<b>Approved by Trust Board</b>	<b>Comments</b>
1	DPO	24/5/18	-	1 <sup>st</sup> issue
2	DPO	3/11/18	-	Add more organisations where personal data may be shared, withdrawal of consent
3	DPO	25/2/19	-	Add more organisations where personal data may be shared
4	DPO	14/6/19	-	Add more organisations where personal data may be shared
5	DPO	17/10/19	-	Photos and biometrics, Trust's tweets and website
6	DPO	8/1/20	-	Cctv added
7	DPO	10/6/20	-	Video conferencing software added
8	DPO	20/8/20	-	Covid-19 track and trace
9	DPO	25/11/20	17/12/20	Insertion of overview, withdrawal of consent right, why we collect personal data and the Trust's new address and change to the narrative on International transfers of data.

## Overview

Under data protection law, individuals have a right to be informed about how the Active Learning Trust uses any personal data that it holds about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

As an employer, the Active Learning Trust (ALT) collects and processes your personal data for employment purposes. We will process your personal data in accordance with the General Data Protection Regulation (GDPR) and other relevant legislation, and not disclose your personal data to any other third party, unless allowed or required to by law.

ALT is committed to protecting the privacy of the individuals whose data we process and to undertaking all data processing in a lawful, open and transparent way.

ALT is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection laws to notify you of the information contained in this Privacy Notice which explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at our schools.

We may update this Privacy Notice at any time.

### **The categories of staff information that we process include:**

- personal information (such as name, address, date of birth, employee or teacher number, national insurance number and marital status)
- characteristics information (such as gender and age)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as leave, number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- training & development, online lesson recordings, performance records and professional memberships
- payroll information (such as bank account details, remuneration, pension benefits details & tax status information)
- copy of driving licence
- outcomes of any disciplinary and/or grievance procedures
- Images captured by CCTV footage on/adjacent to the school's premises and in any school - owned areas, apparatus or modes of transport etc
- identity management/ authentication (such as photographs, for ID badges, or to identify our staff to the wider public via our schools' websites and notice boards, to give pupils and parents a clear picture of who is working at a school)

- data about your use of the school's information and communications system
- additional information required to complete the Department for Education's School Workforce Census, which includes details such as salary, qualifications and employment history.

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

- race, ethnicity, religious beliefs, sexual orientation and political opinions
- trade union membership (if you choose to provide us with this information)
- health, including any medical information (such as disabilities, allergies and sickness records)
- biometric data – (e.g. finger print for cashless catering, printing, door entry and library management systems).

We collect personal information via applications, new starter forms, contracts, change of personal details forms and by data collection forms; computer records; signing in/out records; CCTV footage; biometric capture for the purposes of charging for meals; from your passport or other identity documents such as your driving licence; from correspondence with you; or through interviews, meetings or other assessments (for example, team development/appraisals).

In some cases, we collect personal data about you from third parties. For example, references supplied by former employers and/or information from criminal records checks (known as DBS checks) permitted by law.

Workforce data is essential for the school's / local authority's operational use. While the majority of information we collect from you is mandatory, some of it is requested on a voluntary basis. In order to comply with 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.

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

We collect staff data to:

- enable individuals to be paid
- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- improving the management of workforce data across the sector
- allowing better financial modelling and planning
- enabling gender, ethnicity and disability monitoring

- facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- support effective performance management
- ensure the safety and welfare of our staff
- inform the development of programs for continuing professional development
- to meet statutory reporting obligations
- support pension payments and calculations;
- Support the work of the School Teachers' Review Body
- enable sickness monitoring; and
- enable leave payments (such as sick pay and maternity leave);
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

## **Legal Basis for collecting and processing staff information**

Under the General Data Protection Regulation (GDPR), the legal basis we rely on for processing staff personal information are:

- processing is necessary to meet our contractual obligations in relation to your statement of employment contract with us.
- processing is necessary to satisfy our legal obligations and statutory duties as your employer.
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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 e.g. the disclosure is necessary for the performance of our education function which is a function in the public interest
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party e.g. health and wellbeing providers

In addition, concerning any special category data:

- the data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

## **Withdrawal of Consent**

Where we are processing your personal data with your consent, you have the right to withdraw that consent at any time. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so.

## **Storing workforce information**

We keep personal information about staff while they are employed by our Trust. We will also keep it beyond your employment in order to comply with our legal obligations.

All employee records are kept securely at all times and are only used for purposes directly relevant to your employment, or for audit and census information.

Personal data is stored in a range of different places, including your personnel file, single central records, SIMS, IT systems of the Trust's HR and Payroll provider, and in other IT systems (including the school's email system).

Paper records are kept in lockable storage areas with restricted access, and the contents are secure within the file. Equally, electronic records have appropriate security. Access arrangements for employee records ensure that confidentiality is maintained whilst equally enabling information to be shared lawfully and appropriately, and to be accessible for those authorised to see it.

## Who we share staff personal data with

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

### Department for Education (DfE) and Local Authorities

We are required to share information about our workforce members to both the DfE and Local Authorities for the purpose of data collection and safeguarding under section 7 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred to the DfE is sent securely and held by under a combination of software and hardware controls which meet the current government security policy framework.

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

### Why the Government collects 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

### Data collection requirements

To find out more about the data collection requirements placed on us by the 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

The DfE may share information about our workforce 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 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.

### **Other organisations where we share staff personal data**

We are required, by law, to pass on some of the personal data which we collect to:

- HMRC - We share your identity and pay information with HMRC in conjunction with your legal obligation to pay income tax and make national insurance contributions.
- Pension Organisations - We share your details with your pension provider in order to make sure that you pay the correct amount and maintain your entitlement to a pension upon your retirement. For teachers, the scheme is the TPS, for support staff the scheme is LGPS
- Other schools within our Multi-Academy Trust
- Local Authority (in relation to their statutory or Child Protection duties and services)
- Our payroll provider - (Education Personnel Management – EPM) - we disclose details about you including national insurance number and absence information to enable you to be paid.
- In response to requests for employment references

In addition, we routinely share staff information with:

- Educators and Examining Bodies
- Your family or representatives
- Employment and recruitment agencies
- Professional bodies
- School trips organisations
- Suppliers and Service Providers to enable them to provide the service the School/Trust has contracted them
- Health authorities / Health and social welfare organisations / Occupational Health Providers
- Salary sacrifice scheme – where you have decided to become part of a salary sacrifice scheme such as that for child care vouchers, ALT will share your details with the provider to the extent necessary for them to provide the vouchers to you.
- Software suppliers (data processors) to provide online teaching and learning and assessment, video conferencing software, parent meeting

- booking system
- Survey and Research organisations
- Financial Organisations e.g. banks
- Trade unions and associations
- Internal and External Auditors (e.g. Financial accountants/HMI Inspectors)
- Information Commissioner's Office (ICO) (complaints/breaches/investigations)
- Law enforcement agencies and bodies (including Courts and Tribunals)
- Promotional Literature
- Press and the Media
- The Public (only your name and where consent has been received your photo) in our Trust's tweets and website

With your explicit consent, we will share information with:

- Credit reference agencies;
- Mortgage providers, Housing Associations and landlords

## **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law. We currently transfer personal data outside the EEA as:

- We store personal data on cloud systems based in the EEA that have backup systems that may sometimes be located outside the EEA;
- Some software providers (data processors) use cloud storage located outside the EEA.

## **How long we keep staff personal information**

We only keep your information for as long as we need it or for as long as we are required by law to keep it. Full details are given in our Records Retention Policy which can be found on our website. After the appropriate retention period, your personal data will be irreversibly destroyed/deleted

## **Your rights – requesting access to your personal data**

Individuals have the right to request access to information about them that we hold. This is known as making a 'Subject Access Request' (SAR). If you make a subject access request, and if we hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- 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 within a month, unless an extension is necessary on the ground of the complexity of the request

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact your school's Data Protection Lead – usually the school's Business Manager or contact ALT's Data Protection Officer at [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org)

## **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- To have 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 personal data (i.e. permitting its storage but no further processing).
- To object to processing if we are processing your information as part of our public tasks, or is in our legitimate interests in which case we will consider your objection, and balance this against our need to process the information.
- To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- To withdraw your consent to processing, although we may still continue to process your data if a basis other than consent applies.
- To have personal information, which you have provided, transmitted electronically to another organisation in certain circumstances.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect - unless you have agreed or in other limited circumstances

## **Complaints/Concerns**

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 us in the first instance.

To make a complaint, please contact our Data Protection Officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113 (local rate)
- Call 01625 545 745 (national rate)
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **Contact**

If you would like to discuss anything in this privacy notice, please contact the Trust's Data Protection Officer [dataprotection@activelearningtrust.org]