Swanton Morley VC Primary School

Employee Data Privacy Notice

[Version v3.1]

If you are reading a printed version of this document you should check the data protection/GDPR section on the school website to ensure that you have the most up-to-date version.

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

Data Protection Officer: Data Protection Education Ltd

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation please contact the school office: **Swanton Morley VC Primary School, Manns Lane, Swanton Morley, NR20 4PX**

Tele 01362 637219 Email: office@swantonmorley.norfolk.sch.uk

Version Control

Version	Author	Date	Approved by	Effective from
1.0 template	DPE - JE	1/5/2018		
1.3 update	DPE – JE QA - TK	24/5/2018 1/6/2018		
1.5 Update	DPE-JE	2/10/2020		
2.0 Update	DPE-JE	06/12/2020		
3.0 Update	DPE-JE	12-10-22		
3.1 Update	JE	28-06-23		

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Purpose of this document

Swanton Morley VC Primary School is a data controller, and this document describes the workforce data that is collected and how it is processed. As a controller, we are responsible for deciding what data is collected and how it is processed.

Under the Data Protection Act 2018 and the UK GDPR, we must abide by the principle of transparency and the right of data subjects to be informed about how their data is processed.

This document provides such information. It will be updated occasionally, and updates will be communicated to the relevant data subjects.

It is your duty to inform us of changes.

The categories of school information that we collect and process include the following:

In the course of employing staff in our organisation, we collect the following personal

information when you provide it to us:

- personal information such as name, employee or teacher number, national insurance number, date of birth, nationality, marital status, gender, address and contact details (home phone number, personal email address), emergency contact / next of kin;
- contractual and employment information (such as start date, hours worked, post, roles and salary information); work absence information (such as number of absences and reasons);
- Characteristics information such as gender, age;
- disciplinary/grievance/complaint records;
- work absence information such as number of absences and reasons;
- employee and teacher numbers;
- qualifications and skills (and, where relevant, subjects taught), safeguarding status, first aid qualifications), right to work information (passport, visa, indefinite leave to remain) ;
- photographic and interactive media;
- criminal record data (if it exists during pre-employment checks, including via the Disclosure and Barring Service), prohibition order check results, childcare disqualification check results;
- special category data such as racial/ethnic group, religion, trade union membership (and payroll deductions made), biometric data (entry point and payment systems), sexual orientation (if raised in discrimination issues);
- health data such as occupational health referrals and associated data, pre-employment medicals, disabilities, access to work assessments and associated data; and

- we record CCTV for the safety and security of everyone in the school.

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;
- to calculate pension payments and any other salary calculations(such as sick pay or maternity pay);
- facilitate safer recruitment;
- ensure effective performance management; and

The lawful basis on which we process this information

We collect and process school workforce information:

- under Article 6.1.g of the UK General Data Protection Regulation (UKGDPR) to perform our official function (public task);
- to carry out our duties as an employer under the terms of a contract (Art 6.1.c) and in carrying out obligations and exercising specific rights as the controller (Art 9.2.b);
- classed as Special Category data, e.g. race, ethnicity etc, under Article 9 of the General Data Protection Regulation (GDPR) to carry out tasks in the public interest;
- where it 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;
- where it is carried out as a task in the public interest, such as equal opportunities monitoring, for child protection purposes or where otherwise authorised by law, such as Departmental Censuses as required in the Education Act 1996;
- under the terms of the contract of employment;
- during the recruitment process, background checks will be done, which may involve the collection of criminal convictions. We will process criminal conviction data as it is reported during employment/recruitment to assess the suitability of continued employment/recruitment; and
- where you have given us consent to do so.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind or you are unhappy with our use of your personal data, please let us know by contacting the DPO, whose details are on the front page of this document.

Our basis for processing special category data:

For special category data (sensitive personal information) we only collect and use it when we have both a lawful basis as set out above and one of the following conditions for processing as set out in data protection law:

- 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 insofar as it is authorised by domestic law or a collective agreement pursuant to domestic law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; or
- the assessment of an employee's health and capacity to work, subject to confidentiality safeguards.

Collecting this information

Workforce data is essential for the school's / local authority's operational use. Whilst the majority of 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 confirm whether you are required to provide certain school workforce information to us or if you have a choice in this.

Information will be collected during the application and recruitment process, from you or your agency (such as applications, new starter forms and contracts). Additional information may be requested from third-parties during the recruitment process, including agencies undertaking background checks and former employers.

We collect personal information during employment (such as change of personal details forms and other data collection forms, as well as reports made by other parties, which may be kept in your personnel file) as and when required.

CCTV recording and monitoring is in use on-site. Please see the organisational CCTV policy for further details.

Storing this information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please contact the school office.

Who do we share this information with

We routinely share this information with

- Our local authority;
- The Department for Education (DfE); and
- Third-party service providers (where a contract exists) in order to fulfil contractual obligations (such as payroll) or where a service is being used in the operations of the school (such as parent communication applications).

Only information required for the stated purpose is shared, and all third-parties are required to ensure appropriate technical and organisational measures are in place to secure your data.

For a list of the type of supplier/third – parties we share information with please refer to our third party list available from the data protection section of the federation/school website.

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 of educational attainment.

We are required to share information about our employees with our local authority (LA) and 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, please see the 'How Government uses your data' section.

The Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and transparently;
- Collected and used only for the specific, explicit and legitimate purpose they have been collected for and not for any other purposes;
- Adequate and relevant and limited only to what is necessary;
- Accurate and kept up to date;
- Kept only as long as necessary; and
- Kept securely, using appropriate technical and/or organisation measures.

Your rights

You have rights associated with how your data is collected and processed. Not every right is absolute, but under certain circumstances, you can invoke the following rights:

- Right of access
- Right of erasure
- Right of rectification
- Right to object to processing
- Right to be informed
- Right to data portability
- Right not to be subject to decisions based on automated decision making
- Right to restrict processing
- Right to seek compensation for damages caused by a breach of the Data Protection regulations.

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO or to make a right of access request (subject access request) use the contact details on the front of this notice.

Concerns about how your personal data is handled

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 using the contact information on the first page of this document.

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO use the contact details on the front of this Privacy Notice.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

Alternatively, you can contact the Information Commissioner's Office at https://ico.org.uk/concerns/

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the school workforce;
- links to school funding and expenditure; and
- 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 (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 for Education (DfE)

The Department for Education (DfE) 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; and
- providing information, advice or guidance.

The Department for Education (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 Department for Education (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.

How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- 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; and
- 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 for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter which is published at the address below:

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

To contact the Department for Education (DfE): https://www.gov.uk/contact-dfe