

The Yare Education Trust Workforce Privacy Notice

September 2020



**THE
YARE EDUCATION
TRUST**

Workforce Privacy Notice

The Yare Education Trust and the schools within the Trust are the data controller for the purposes of the General Data Protection Regulation (GDPR). We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary. Each school within the Trust has a Chief Privacy Officer accountable for data controller responsibilities. The Trust's Acting Chief Executive Officer is responsible to ensure that data protection policies and procedures are GDPR compliant within the schools. Further details can be obtained from the Trust's website www.yareeducationtrust.org.uk

The categories of school information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number, proof of identity)
- characteristics information (such as gender, age, ethnic group)
- employment and contract information (such as start date, hours worked, post, roles, bank details, annual leave, pension, benefits and salary information)
- work absence information (such as number of absences and reasons) and relevant medical information
- education and qualifications (and, where relevant, subjects taught)
- emergency contact details
- details of medical conditions or disabilities
- recruitment information, including copies of right to work documentation, references, work history, job titles and professional memberships and other information included in an application form as part of the recruitment process
- appraisal and performance information
- outcomes of any disciplinary and/or grievance procedures
- accident information
- training information
- maternity/paternity pay information
- payroll information
- CCTV images captured within school
- photographs and/or videos
- information relevant to the School Workforce Census
- biometric data, for example cashless catering where appropriate
- data on the use of a school's information and communications including the use of the internet and Information Technology resources.

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 (including but not limited to internal management planning and forecasting and statistical analysis such as diversity or gender pay gap analysis as required by law)
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid
- d) facilitate the safeguarding of students/pupils and staff and comply with the relevant legislation
- e) support staff in their professional roles and enable effective performance management
- f) carry out functions for which the school/Trust is responsible
- g) share news and promote services
- h) deal with disciplinary action and grievances
- i) inform the development of recruitment and retention policies
- j) monitor and report on school improvement, development and self-evaluation
- k) comply with a legitimate interest in the processing of data, for example submitting data as part of the workforce census.

Whilst the majority of the information you provide is mandatory, some will be provided on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information or if you have a choice.

The lawful basis on which we process this information

To conform with GDPR, any information the Trust/schools process fulfils one of the following requirements from Article 6 of the General Data Protection Regulation (GDPR):

- Legal obligation
- Public interest
- Vital interest of the data subject or another person
- Contractual obligation

Personal data is processed in order to meet the requirements set out in UK employment, academy and safeguarding law, including those in relation to the following:

- Academy Funding Agreement or Articles of Association
- Legal and statutory framework
- Safeguarding Vulnerable Groups Act 2006
- The guidance 'Keeping Children Safe in Education'
- The Childcare (Disqualification) Regulations 2009

When special categories of personal data are processed, this is under the obligations covered in Article 9 of GDPR:

2(b) – 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

2(g) – the processing is necessary for the reasons of substantial public interest.

Where the above do not apply, a school will seek consent for specific purposes in line with Article 6.1.a. This will be done in writing and will clearly define the uses of personal information and ask for consent for each and every use.

Collecting workforce information

Workforce data is essential for the Trust's/school's operational use. Whilst the majority of personal information you provide to us 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 and we will tell you what you need to do if you do not want to share this information with us.

Storing workforce information

Data is held securely for the set amount of time shown in our Records Management Policy in accordance with GDPR. Data is not kept longer than necessary or if it has become inaccurate or out of date. If this is the case it will be securely disposed of.

Who we share workforce information with

We routinely share this information with:

- our Local Authority (where applicable)
- the Department for Education (DfE)
- pension scheme providers
- the Trust's Auditors
- Ofsted
- financial organisations
- Education Personnel Management (EPM) – The Trust's HR and payroll provider
- police forces, courts, tribunals
- professional advisers and consultants
- occupational health providers
- Trust staff, where relevant
- central and local government
- Her Majesty's Revenue and Customs (HMRC)
- service providers and suppliers.

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.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our school employees with the DfE under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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 'How Government uses your data' section.

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 Chief Privacy Officer within the school.

You also have the right to:

- object to the processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- a right to seek redress, either through the ICO, or through the courts

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. 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 DfE, please see the 'How Government uses your data' section of this notice.

Contact

If you would like to discuss anything in this privacy notice, please contact the Chief Privacy Officer in the school or the Trust's Acting Chief Executive Officer.

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.

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, go to:

<https://www.gov.uk/education/datacollection-and-censuses-for-schools>.

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:

- 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 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
- 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 DfE hold 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>

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