

Privacy notice for staff

For the purposes of Data Protection legislation, the Academy Trust is the Data Controller. This means it is in charge of personal data about you. The postal address of the Trust is Unity Schools Partnership, Park Road, Haverhill, Suffolk CB9 7YD. The Data Protection Officer for the Trust can be contacted at dpo@unitysp.co.uk. In this policy 'we' and 'us' means the Academy Trust.

The categories of information that we process may include:

- personal information (such as name, address, employee or teacher number, national insurance number and tax reference number)
- characteristics information (such as age and marital status)
- next of kin and emergency contact details
- recruitment information, including copies of proof of identity, right to work documentation, references and other information included as part of the application process
- qualifications (and, where relevant, subjects taught)
- payroll information (including bank account details)
- contract information (such as start date, hours worked, post, roles, annual leave, salary, pension and benefits information)
- performance information, training records and professional memberships
- work absence data (such as the number of absences)
- outcomes of any disciplinary and/or grievance procedures

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- any health conditions you have that we need to be aware of
- sickness records
- Protected Characteristics as defined by the Equality Act 2010 (such as racial or ethnic origin, religious beliefs, disability status and gender identification)
- trade union membership
- photographs and CCTV images (more details about this are in our combined data protection and freedom of information policy, which is on the trust's website)

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service (DBS) in respect of criminal offence data.

How we use your information

We use workforce data to:

- a) enable you to be paid
- b) facilitate safer recruitment, as part of our safeguarding obligations

- c) support effective performance management
- d) inform our recruitment and retention policies and procedures
- e) inform our financial modelling and planning
- f) enable equalities monitoring

Our lawful basis for using this data

Under the General Data Protection Regulation (EU) 2016/679 (GDPR), the lawful bases we rely on for processing staff information are:

- for purpose (a) the legal basis of ‘contract’: we need to process personal data to fulfil a contract with you or to help you enter into a contract with us
- for purposes (b), (c), (e) and (f) the legal basis of ‘legal obligation’: we need to process data to meet our responsibilities under law as set out here:
 - for purpose (b): Keeping children safe in education - Statutory guidance for schools and colleges
 - for purpose (c): The School Staffing (England) Regulations 2009 and the Education (School Teachers’ Appraisal) (England) Regulations 2012
 - for purpose (e): The Academies Financial Handbook
 - for purpose (f): The Equality Act 2010
- for purpose (d) the legal basis of ‘public task’: collecting the data is necessary to perform tasks that we are required to perform as part of our statutory function

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind or are unhappy with our use of your personal data, please contact your school’s Data Protection Lead in the first instance.

For ‘special category’ data, we only collect and use it when we have both a lawful basis and one of the following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual’s vital interests (i.e. protect your life or someone else’s life), in situations where you’re physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual’s vital interests (i.e. protect your life or someone else’s life), in situations where you’re physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or

- for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

How we collect workforce information

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you to provide it, and whether there is a legal requirement on the school / academy trust to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

We may also collect information from previous employers or educational establishments. You will know about this because you will have supplied us with the relevant contact details.

How we share your information with third parties

We will not share information about you with third parties without your consent unless the law and our policies allow us to.

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

- the local authority
- the Department for Education (DfE)

Local Authority

We are required to share information about our workforce members with local authorities (LAs) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department of 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 DfE under a combination of software and hardware controls, which meet the current government security policy framework.

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

- HMRC
- Ofsted
- The Disclosure and Barring Service (DBS)
- The Teaching Regulation Agency (TRA)
- The Department for Work and Pensions (DWP) – if you were recruited under the Kickstart Scheme, which provides funding to employers to create job placements for 16 to 24 year olds on Universal Credit, we will provide them with your basic details to enable us to receive the funding. Our legal basis for sharing the information is that of ‘contract’: we need to process the personal data to fulfil a contract with you or to help you enter into a contract with us.
- Our auditors
- Health authorities
- Professional advisers and consultants
- Police forces, courts and tribunals
- Service providers (e.g. where you have decided to become part of a salary sacrifice scheme)

such as that for childcare vouchers, we share your details with the provider to the extent necessary for them to provide the vouchers to you)

- 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 the LGPS.

Our disclosures to third parties are lawful because one of the following reasons applies:

For ordinary personal data:

- The disclosure is necessary for the performance of your employment contract
- The disclosure is necessary for the performance of a legal obligation to which the Academy Trust is subject
- The disclosure is necessary for the performance of our education function which is a function in the public interest
- The disclosure is necessary to protect someone's life (i.e. it is in their vital interests)
- We collect your consent

For special category data (i.e. sensitive personal data):

- The disclosure is necessary for safeguarding purposes, i.e. to protect pupils from harm and is therefore in the substantial public interest
- The disclosure is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on us as the Data Controller or on you in connection with your employment
- Where we collect ethnic origin or disability information for equality monitoring purposes, this falls within substantial public interest and is therefore lawful (but you are not required to provide information for that purpose if you do not want to)
- The disclosure is necessary to protect someone's life (i.e. it is in their vital interests)
- We collect your explicit consent

How long we keep your 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 the trust's website.

Your rights

You have the right to:

- Ask for access to your personal information
- Ask for rectification of the information we hold about you
- Ask for the erasure of information about you (although we may have good reasons why we cannot do this)
- Ask for our processing of your personal information to be restricted
- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means
- Data portability (i.e. you can ask us to transfer your information to another organisation in a format that makes it easy for them to use)
- Object to us processing your information if it is likely to cause, or is causing, damage or distress

If you want to use your rights, for example, by requesting a copy of the information which we hold about you, please contact your school's Data Protection Lead in the first instance.

Reviewed December 2020

More information about your rights is available in our combined data protection and freedom of information policy, which is available on the trust's website.

If at any time you are not happy with how we are processing your personal information, you may raise the issue with the trust's Data Protection Officer. If you are not happy with the outcome, you may raise a complaint with the Information Commissioner's Office (ICO) at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF - Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. You may also report a concern online at <https://ico.org.uk/make-a-complaint/>