

## Privacy Notice

(How we use school workforce information)

St Oswald's Catholic Academy Trust will collect and use information about staff in accordance with the data protection principles within the General Data Protection Regulation (GDPR) and is the Data Controller of this personal data.

The Trust Data Protection Officer is responsible for data protection and can be contacted at [dpo@stoswalds.org](mailto:dpo@stoswalds.org).

This notice sets out how the school manages the personal data it uses.

This privacy notice outlines what you can expect when the Trust collects your information, if you are a current staff member, or have a temporary or ongoing relationship with the Trust, for example:

- supply teacher engaged through an agency
- volunteer
- parent helper
- contract staff
- Governor or Director

### The categories of school workforce information that the Trust collects, processes, holds and shares and the legal basis on which we process this information

Data Held	Reason and Legal Basis for processing
personal information (such as name, address, next of kin, employee or teacher number, national insurance number)	Necessary for the performance of a contract with the data subject e.g. processing payroll, and necessary for compliance with a legal obligation e.g. making NIC and PAYE deductions, completion of statutory returns
special categories of data including characteristics information such as gender, age, ethnic group	consent has been obtained from the data subject
contract information (such as start dates, hours worked, post, roles and salary information)	Necessary for the performance of a contract with the data subject e.g. processing payroll, managing pension records
Bank or building society account details	Necessary for the performance of a contract with the data subject e.g. making salary payments
work absence information (such as number of absences and reasons)	Necessary for the performance of a contract with the data subject e.g. paying sick pay
qualifications (and, where relevant, subjects taught)	Necessary to carry out tasks in the public interest e.g. ensuring teachers are appropriately qualified
records concerning performance management and appraisal	Necessary to carry out tasks in the public interest e.g. ensuring teachers and associated staff are providing education and support of an appropriate standard
Correspondence between the member of staff and the Trust	Necessary for the performance of a contract with the data subject e.g. processing contract changes
Correspondence, such as references, between the Trust and third parties on behalf of a member of staff	consent has been obtained from the data subject
Records of grievances	Necessary for compliance with a legal obligation e.g. compliance with employment law
Investigations into breaches of terms and conditions of employment	Necessary for compliance with a legal obligation e.g. to provide a high standard of education in an appropriate environment and compliance with employment law

Data Held	Legal Basis for processing
Records of disciplinary proceedings	Necessary for compliance with a legal obligation e.g. compliance with employment law
Health and safety records (including accident reports)	Necessary for compliance with a legal obligation e.g. health and safety regulations
photograph	necessary for compliance with a legal obligation e.g. establishing identity of a person working with children in a position of trust
Where appropriate, audio and/or video recording data of staff teaching	Necessary for compliance with a legal obligation e.g. to provide a high standard of education in an appropriate environment
CCTV	Necessary for compliance with a legal obligation e.g. safeguarding of pupils. CCTV is also used and to ensure to the school site is safe. Where CCTV is used in private areas such as toilets, it is positioned so as not to compromise privacy.

### 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
- perform employment checks e.g. right to work in the UK
- review staff performance
- Monitor absence and sickness records in accordance with HR policy
- enable individuals to be paid
- data collection purposes (e.g. Department of Education School Workforce census)

If staff members fail to provide their personal data, there may be significant consequences. This includes the following:

#### Employment checks

Failure to provide ample proof of a right to work in the UK will prevent employment with the Trust. Employees found to be working illegally could face prosecution by law enforcement officers.

#### Salary requirements:

Failure to provide accurate tax codes and/or national insurance numbers could lead to issues of delayed payments or an employee paying too much tax.

### Special Category personal data

The trust recognises the significance of Special Category personal data and will only process such data if certain conditions are met. These conditions are outlined in guidance from the UK Information Commissioner's Office.

Staff are asked to declare their ethnic origin, and any disabilities at the time of application for a post. These fall within the definition of Special Category data. Consent will be obtained to use this data in the absence of a different legal basis for capturing it e.g. the requirement to submit the School Workforce Census or Gender Pay Gap reporting.

HR files may also contain Special Category personal data in relation to health or sickness, maternity leave or paternity leave. These records will be kept in strict confidence and will not be released to third parties without consent except in extreme cases of emergency i.e. in the vital interests of that data subject.

### **The lawful basis on which we process this information**

The Trust has the legal right to collect and process personal data relating to those we employ, or those otherwise contracted to work in the trust, as specified above.

We also process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law, including those in relation to the following:

- Academy Funding Agreement
- Academy's legal framework
- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

The submission of the School Workforce Census return, including a set of individual staff records, is a statutory requirement on schools and Local Authorities by virtue of regulations SI2007/1264 made under Sections 113 and 114 of the Education Act 2005.

Putting the school census on a statutory basis:

- means that schools may not need to obtain employees' consent to the provision of information
- ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils
- helps to ensure that returns are completed by schools

### **Collecting this information**

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 inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

No third parties will be contacted to obtain staff members' personal data without the data subject's consent.

### **Storing this information**

Personal data relating to school workforce is stored in line with the Trust's GDPR Data Protection Policy.

In accordance with the GDPR, the school does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected. A full list of data retention periods is available in the Trust's GDPR Data Protection Policy.

### **Who has access to your data?**

Access to personnel files is carefully controlled and they may only be seen by the Director of Corporate Services, Headteacher, School Business Manager or other persons, if authorised by the Director of Corporate Services. All staff accessing data are bound by obligations of confidentiality.

Access to personal data held by individual departments will be limited in accordance with that department's operational needs

Where necessary, third parties may be responsible for processing staff members' personal information. Where this is required, the school places data protection requirements on third party processors to ensure data is processed in line staff members' privacy rights. Please see below for details of the applicable third parties.

## **Who we share this information with and why we share school workforce information**

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
- Disclosure and Barring Service (DBS)
- Payroll Provider (North Yorkshire County Council)
- HMRC
- Pension Services (Teachers & Teesside)
- Trade Unions

## **Why we share school workforce information**

We do not share information about workforce members with anyone without consent unless the law and/or our policies allow us to do so.

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.

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 educational attainment.

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

## **Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

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/data-collection-and-censuses-for-schools>.

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 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.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. Contact the Data protection Officer to make a request for your personal information.

You also have the right to:

- object to 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
- data portability
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

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/>

### **Contact**

If you would like to discuss anything in this privacy notice, please contact the Data Protection Officer at [dpo@stoswalds.org](mailto:dpo@stoswalds.org).

### **Further information**

If you would like to find out more information about how we and/or the DfE collect, use and store your personal data, please visit our website [www.stoswalds.org](http://www.stoswalds.org) to download our GDPR Data Protection Policy.