



ST. MARY'S  
ACADEMY TRUST

# St Mary's Academy Trust

## Privacy Notice for Staff

**Last Updated:** August 2022

**Date to be Reviewed:** 31<sup>st</sup> August 2023

## **1. Scope**

- 1.1 Under UK GDPR (United Kingdom General Data Protection Regulation), employees have a right to be informed about how their employer uses any personal data that they hold about them; we comply with this right by providing privacy notices to our employees where we are processing their personal data.

## **2. Responsibilities**

- 2.1 Our Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to the Trust collecting and processing their personal data.
- 2.2 The manager is responsible for ensuring that this notice is drawn to the data subject's attention and where necessary, their consent to the processing of their data is secured.
- 2.3 The personal data collected is essential for the Trust and its schools to fulfil its official functions and meet legal requirements (refer to 5.1).

## **3. Key Contact**

**Data Protection Officer:** Jo Hudson

**Email:** J.Hudson@smat.org.uk

**Telephone:** 01226 282721

## **4. Personal Data We Hold About You**

- 4.1 The categories of personal data that we collect, process, hold and share include:
  - Personal information, e.g., name, employee or teacher number, national insurance number
  - Characteristics information, e.g., gender, age, ethnic group
  - Contract information, e.g., start date, hours worked, post, roles, and salary information
  - Work absence information, e.g., number of absences and reasons
  - Qualifications (and, where relevant, subjects taught)

<u>Personal Data Type</u>	<u>Source</u>
<ul style="list-style-type: none"> <li>• Contact details</li> <li>• Date of birth, marital status, and gender</li> <li>• Next of kin and emergency contact numbers</li> <li>• Salary, annual leave, pension, and benefits information</li> <li>• Bank account details, payroll records National Insurance number, and tax status information</li> <li>• Recruitment information, including copies of right to work documentation, references and other information included in an application form and covering letter as part of the application process</li> <li>• Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships</li> <li>• Performance information</li> <li>• Outcomes of any disciplinary and/or grievance procedures</li> <li>• Absence data</li> <li>• Driving licence number, vehicle details, motor insurance certificate and MOT &amp; Tax details</li> <li>• Photographs</li> <li>• CCTV footage</li> <li>• Data about your use of the school's information and communications system</li> <li>• Video footage</li> </ul>	<p>(Where the Trust has obtained the personal data from if it has not been collected directly from you, the data subject).</p> <p><b>Note:</b> if the personal data has been accessed from publicly accessible sources.</p> <ul style="list-style-type: none"> <li>• Pension information from Teachers' Pensions or LGPS provider</li> <li>• Tax code information from HMRC</li> <li>• References from referees</li> <li>• MOT and tax details available publicly on gov.uk website</li> </ul>
<b><u>Special Categories of Sensitive Personal Data</u></b>	
<ul style="list-style-type: none"> <li>• Race, ethnicity, religious beliefs, sexual orientation, and political opinions</li> <li>• Trade union membership</li> <li>• Health, including any medical conditions, and sickness records</li> </ul>	<ul style="list-style-type: none"> <li>• External OHU provider</li> <li>• Previous employer for sickness records</li> </ul>

## **5. Why We Use this Data**

5.1 The purpose of processing this data is to help us run the school and meet our legal obligations, including to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Monitor our recruitment and retention policies
- Allow financial planning
- Administer admissions waiting lists
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the Trust
- Support the work of the School Teachers Review Body
- Ensuring we can keep all our premises safe and secure, and taking measures to prevent and detect crime; this involves capturing images of you in our CCTV system
- Monitoring use of IT services to ensure adherence to the Trust's Acceptable Use Policy
- Manage attendance
- To contact Track and Trace (as per the Department for Education guidance)

5.2 For purposes of disciplinary, we reserve the right to monitor personal accounts through access and viewing them in instances of alleged misconduct; notice will be given of our intention to access this data.

## **6. Data Sharing**

6.1 We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

6.2 Where it is legally required, or necessary (and it complies with UK GDPR) we may share personal information about you with:

- Our Local authority – to meet our legal obligations to share certain information with it
- The Department for Education
- Your emergency contacts or representatives
- Ofsted - as part of their mandatory inspections
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our Auditors
- Survey and research organisations
- Occupational Health and associated organisations, e.g., Trust approved Counsellors
- Health Authorities

- Security Organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Training providers
- Police force, courts, tribunals
- Professional bodies
- Employment and recruitment agencies
- Governors/Trustees
- Educators and examining bodies
- Trade unions and staff associations
- Information System Providers, e.g., Management Information Systems, Virtual Learning Environments and Third-Party e-learning Applications, Catering Services Systems

## **7. Transferring Data Internationally**

- 7.1 A small number of data processors used by us are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by the schools to further pupil's learning. Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.
- 7.2 Whenever we transfer your personal data out of the UK, we will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
- A) We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission or Secretary of State.
- B) Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in UK.

## **8. Our Legal Basis for Using This Data**

- 8.1 We only collect and use your personal data when the law allows us to. Most commonly we process it where we need to:
- Fulfil a contractual obligation
  - Comply with a legal obligation
  - Carry out a task in the public interest
- 8.2 Less commonly we may also process your personal data in situations where:
- You have given us consent to use it in a certain way

- We need to protect your vital interests (or someone else's interests)
- To pursue a legitimate interest

### 8.3 Legitimate Interests

8.3.1 As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.

8.3.2 Where you have provided us with consent to use your data, you may withdraw this at any time. You can withdraw your consent in writing to the Headteacher.

8.3.3 Some of the reasons listed above for collecting your personal data overlap and there may be several grounds which justify our use of this data.

8.4 Of the lawful bases available to us, those we are mostly likely to rely on in relation to staff data are the following:

8.4.1 Processing is necessary for us to carry out our obligations or exercise our (or your) rights under employment, social security, and social protection law.

This would apply when, for example, we:

- Keep a record of reasonable adjustments for a disability to allow us to meet our obligations under the Equality Act
- Ensure that you are physically fit to work in a particular role
- Set up a voluntary salary deductions to a trade union

8.4.2 Processing is necessary for purposes of preventive or occupational medicine and to assess your working capacity as an employee.

- This would apply when we obtain advice from medical professionals for Occupational Health with regards to adjusting your working practices due to a health condition.

8.4.3 Processing is necessary to protect your life or someone else's.

- We will rely on this basis on rare occasions when we cannot reasonably get your consent for whatever reason.

8.4.4 Processing is necessary for statistical purposes where this is based on UK law, respects your right to data protection and where measures are taken to safeguard your rights and freedoms, such as through the collection of minimal data.

This includes compiling statistics for equal opportunity initiatives.

- Processing is necessary for the establishment, exercise, or defence of legal claims against the Trust.
- We have asked for and received your explicit consent to process your data for a specific purpose.

## **9. Collecting this Information**

9.1 While most of the information we collect about you is compulsory, there is some information that you can choose whether to provide to us.

9.2 Whenever we seek to collect information from you, we make it clear whether providing it is compulsory or optional. If it is compulsory, we will explain the possible consequences of not complying.

9.3 Much of this data we will have asked you to provide to us directly when you started your employment. Alternatively, we may have asked you for it during your employment, or you may have provided it to us independently for us to help you with something.

9.4 If we do not receive information directly from you, we might receive it from third parties, such as:

- HM Revenue and Customs (HMRC)
- Pensions Scheme Providers
- Disclosure and Barring Service
- Occupational Health
- Individuals or Organisations that you named as a referee

## **10. How We Store this Data**

10.1 We create and maintain an electronic personal file for each staff member and also store information on a HR Data system. The information contained in this file and on the HR Data system is kept secure with restricted access and is only use for purposes directly relevant to your employment.

10.2 Once your employment with us has ended we will retain this file for a further 6 years in accordance with the Trust's retention schedule.

10.3 The retention schedule is on the Trust's website.

## 11. Your Rights Regarding Personal Data

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

11.2 Your rights as a data subject:

- Individuals have a right to make a subject access request to gain access to personal information that we hold about you
- The right to be informed: Individuals have the right to be informed about the collection and use of their personal data
- The right of access: Individuals have the right to access their personal data
- The right to rectification: Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete
- The right to erasure: Individuals have the right to have personal data erased (also known as the right to be forgotten)
- The right to restrict processing: Individuals have the right to request the restriction or suppression of their personal data in certain circumstances
- The right to data portability: This right allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability
- The right to object: individuals have the right to object to the processing of their personal data in certain circumstances and an absolute right to stop their data being used for direct marketing
- Rights in relation to automated decision making and profiling: Automated individual decision making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual) are restricted

11.3 All the above requests will be forwarded on should there be a third party involved in the processing of your data.

11.4 If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long it will be kept for
- Explain where we got it from, if not you or your child
- Tell you who it has been, or will be, shared with
- Give you a copy of the information in an intelligible form
- Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances

11.5 We have a separate Subject Access Request policy, please refer to this for details on how to make a subject access request.



11.6 If you would like to make a request, please contact our Data Protection Officer – Jo Hudson on 01226 282721 who will oversee the collation of this information by the school.

## **12. Other Rights**

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

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine rather than by a person)
- Have inaccurate personal data corrected, deleted, or destroyed and in certain circumstances restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations
- In the limited circumstances where you have provided your consent to the collection, processing, and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. We will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law

12.2 To exercise any of these rights, please contact our Data Protection Officer, Jo Hudson on 01226 282721

## **13. Complaints**

13.1 We take any complaints about our collection and use of personal information very seriously.

13.2 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.

13.3 To make a complaint, please contact our Data Protection Officer, Jo Hudson – 01226 282721.

13.4 Alternatively you can make a complaint to the Information Commissioner’s Office as follows:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Write to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF