# Gomersal St Mary's CE Primary School

# Privacy Notice for the School Workforce

Under UK data protection law, individuals have a right to be informed about how the school uses any personal data. The school complies with these requirements by providing privacy notices to inform individuals about how their personal data will be processed.

This privacy notice explains how the school collects, stores, uses and deletes personal data about the school workforce. This document is based on a variety of sources and has been tailored to the specific needs of the school.

## 1 What this Privacy Notice is for

Gomersal St Mary's CE Primary School collect, hold, use and share information about our workforce This is known as “personal data” and you have rights around that data, including knowing how and why we are processing the data. “Processing” data means from collecting, storing, using, sharing and disposing of it. The school workforce includes all those employed to teach, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at the school.

For the purposes of Data Protection legislation Gomersal St Mary's CE Primary School is a data controller and is registered as such with the Information Commissioner’s Office (ZA189996).

This means the school determines the purposes for which, and the manner in which, any personal data relating to the school workforce is to be processed.

In some cases, personal data processing will be outsourced to a third-party; however, this will only be done with your consent, unless the law or our policies allow the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that the school upholds are imposed on the processor.

## 2 The types of school workforce information that we process

The types of school workforce information that the school collects, holds and shares include but are not restricted to the following:

- personal information (such as name, address, employee or teacher number, national insurance number).
- contract information (such as start date, hours worked, post, roles and salary information).
- work absence information (such as number of absences and reasons) and relevant medical information.
- qualifications (and, where relevant, subjects taught).
- next of kin and emergency contact details.
- recruitment information including right to work documentation, references, application and/or CV.
- checks made regarding online presence.
- performance information.
- information relating to grievance and/or disciplinary procedures.
- your use of school devices and school networks as part of our safeguarding procedures.

### 2.1. Special category data (sensitive information)

Some of the information that we collect is more sensitive or can be classified as special category data, this includes:

- characteristics information (such as gender, age, ethnic group).
- work absence information (such as number of absences and reasons) and relevant medical information.
- information about medical or health conditions, including whether you have a disability for which the school needs to make reasonable adjustments.
- details of trade union membership if you pay your subscriptions through payroll.
- photographic records and CCTV footage.

- equalities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

We may also collect, use and store information about criminal convictions, offences and prohibitions. This information may have come from other organisations including former employers, Teacher Regulation Agency, social services and the Disclosure & Barring Service.

# 3 Why does the school collect and use your information?

We use 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.
- facilitate safer recruitment (e.g. by carrying out criminal records checks and requesting references).
- support effective performance management.
- allow better financial modelling and planning.
- support the management of absence.
- photographic images for identification purposes (safeguarding), and celebration purposes (to record work, classes and school events).
- to meet our statutory duties.
- for site safety and security.
- to protect public monies against fraud.
- to detect and prevent crime and combat fraud.
- to streamline systems.

## 3.1. The lawful basis for collection and use of personal data

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing workforce information are:

- Article 6(a) - Your consent (for anything which does not fall into the purposes explained below).
- Article 6(b) – Contract (your contract of employment).
- Article 6(c) - Compliance with our legal obligations, in particular, but not exclusively:
    - Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
    - Keeping Children Safe in Education 2023 (statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002 etc).
    - Equality and Health & Safety legislation.
- Article 6(e) - Being necessary for us to carry out tasks that are in the Public Interest.

The ways we collect and use sensitive workforce information are lawful based on:

- your explicit consent.
- for compliance with certain legal obligations, or for exercising certain legal rights.
- for protecting a person's vital interests in an emergency.
- for health and public health reasons.
- or for carrying out tasks that are in the substantial public interest including for safeguarding purposes.

## 3.2. Marketing purposes

Where you give us consent, we may send you marketing information by message or email, such as for promoting school events, campaigns or charities. Consent can be withdrawn at any time by contacting us.

## 3.3. Automated decision making & profiling

We do not use any of your personal information to make automated decisions about you, or to profile you If this changes in the future, privacy notices will be updated to explain both the processing and your right to object to it.

# 4 How we collect school workforce information

We collect this information in a variety of ways. For example, data is collected through application forms, obtained from your passport or other identity documents, from forms completed by you at the start of or during employment, from correspondence with you, or through interviews, meetings or other assessments, self-certification forms (medical), fit notes, images provided by individuals or taken using school photographic equipment, local authorities, previous employers, NHS, the Police, the Disclosure and Barring Service and the Department for Education [DfE].

We sometimes audio/ video record sessions, lessons or assessments for pupil or staff development and assessment. This will generate personal data including staff images, names, contributions, and will be protected, processed and retained in the same way as all personal data, in line with the school's Data Protection Policies and in accordance with our other policies including Acceptable Use. Recordings in these circumstances will be carried out in line with our HR policies.

Workforce data is essential for the School's and Local Authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. We will inform you at the point of collection, whether you are required to provide certain information to us and your rights in relation to this.

# 5 How, where and for how long we store school workforce information

We store workforce information securely on the School's IT network and cloud. Secure storage is provided for paper-based records.

We only keep the information for the length of time we need it for, as shown in our records management policy

We dispose of personal information securely when we no longer need it.

# 6 Sharing school workforce information

We routinely share school workforce information with:

- our Local Authority (particularly in relation functions related to HR, payroll and Criminal Records checks).
- our Governing Body.
- the Department for Education (DfE) inc. the Teaching Regulation Agency.
- HMRC.
- The Disclosure and Barring Service.
- Employers where references are requested.
- Police.
- External systems used by the School to carry out day-to-day processes and requirements. For example Arbor. A full list of these systems is available from the school.

## 6.1. International Transfers

Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected by the use of International Data Transfer Agreements and security measures, and other appropriate safeguards.

## 6.2. Freedom of Information Act and Environmental Information Regulations 2004

As a public body, our school is subject to requests made under the above legislation. However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

## 6.3. Why we share school workforce information

We share information about our workforce where the law and our policies allow us to do so or you have given us your consent to do so.

### 6.4. 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 workforce with the Department for Education (DfE) for the purpose of those data collections, under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### 6.5. Local Authorities

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.

This may include matters relating to payroll, contracts or occupational health.

## 7 Requesting access to personal data and other rights

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 t our Data Protection Officer via the school office.

You also have the right to:

- be informed about the collection and use of your personal data.
- have inaccurate personal data changed if it is inaccurate or completed if it is incomplete.
- Ask us to delete your personal information, often known as the 'right to be forgotten'; however, this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
- restrict the way we are using your information; although, as above this is a limited right.
- object to the way we are using your information; though other than for marketing purposes, this is also limited as above.
- Where we rely on your consent to collect and use your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know.
- You also have rights in relation to automated decision making and profiling, though these are not currently relevant as we do not carry out automated decision making or profiling.
- Finally, the right to complain about the way we use your personal information to the ICO, or to seek redress through the courts.

If you would like to request access to your data, or use any of the other rights listed above, please contact the school office, Headteacher or Data Protection Officer.

## 8 How Government uses your information

We share personal data with the Department for Education (DfE) on a statutory basis.

The workforce data we 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.

### 8.1. Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to https://www.gov.uk/education/data-collection-and-censuses-for-schools

### 8.2. Sharing by the Department for Education

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.
- providing information, advice or guidance.

The Department for Education (DfE) will only share your personal data where it is lawful, secure and ethical to do so and 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 public benefit, proportionality, legal underpinning and strict information security standards.

For more information about the Department for Education's (DfE) data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the Department for Education (DfE) has provided information, (and for which project) please visit the following website: https://www.gov.uk/government/publications/dfe-external-data-shares

### 8.3. How to find out what personal information the DfE holds about you

Under data protection law, you are 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
- 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 that is published at the address below:

https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter
or
To contact the DfE call 0370 0002288 or visit https://www.gov.uk/contact-dfe

## 9 Complaints

We take any complaints about our collection and use of personal information very seriously. 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.
Any complaints received should receive a formal acknowledgement within 30 days and a response without undue delay. If you are not happy with our response, then you can raise a complaint with the Information Commissioner's Office, details of how to do this can be found here https://ico.org.uk/make-a-complaint/data-protection-complaints/

## 10 Contact us

If you have any questions or concerns or would like more information about anything mentioned in this privacy notice, please contact the school office or our Data Protection Officer.

- Call 01274 874550
- Email office@gsmcep.co.uk

Our Data Protection Officer is Data Tools for Schools Limited and they may be contacted via the school office.

To contact the DfE:

- Call 0370 0002288
- Visit https://www.gov.uk/contact-dfe