



Privacy Notice - School Workforce Information

Introduction

The General Data Protection Regulation (GDPR) 2018 and Data Protection Act 2018 (DPA) sets out the law relating to data protection. This privacy notice and the way we handle your personal data, is all carried out in accordance with that law.

Under the GDPR and DPA anyone who holds and controls the way in which data is used is known as a data controller. We, Withinfields Primary School, are a 'data controller.'

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at our school.

Personal data is held by the school and the Local Authority.

This privacy notice sets out the following information:

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The personal data we collect:

- personal information (such as name, employee or teacher number, national insurance number),
- personal information such as address, contact number, date of birth and age,
- special categories of data including characteristics information such as trade union membership, religion, race and ethnic group,
- contract information (such as start dates, hours worked, post, roles and salary information),
- Financial Information (such as bank details, payroll information, pension information),
- work absence information (such as number of absences and reasons),

- qualifications (and, where relevant, subjects taught),
- relevant medical information,
- evidence of Right to Work information,
- proof of identity,
- next of kin information (such as name, relationship, contact numbers),
- accident at work information,
- disciplinary information,
- CPD information,
- Performance information (such as appraisals),
- Photographs,
- Disclosure and Barring Service information,
- Reference information for recruitment, and
- Trade union information.

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Why we use this data

The purpose of processing the data is to assist in the smooth running of the school and to ensure the following:

- To enable staff to be paid.
- To ensure the recruitment of suitably qualified staff in line with our safeguarding obligations towards pupils.
- Improving the management of the workforce including effective performance management.
- Improving the management of workforce data across the sector.
- Enabling development of a comprehensive picture of the workforce and how it is deployed.
- Informing the development of recruitment and retention policies.
- Allowing better financial modelling and planning.
- Enabling the monitoring of ethnicity and disability information.
- Supporting the work of the School Teachers' Review Body.
- To maintain our own accounts and records.
- To support staff training.
- To provide appropriate pastoral care.
- To assess the quality of our services.

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Special Category Data

The school collects and processes some personal information that is classed as special category data under the DPA and GDPR. Special category data is personal data that is classed as more sensitive than other personal information and therefore requires greater protection.

The special category data which the school may process includes race, ethnic origin, religion, health information, details of any criminal record and information relating to your trade union membership.

To lawfully process special category data, the school must have a lawful basis under Article 6 GDPR and a separate condition for processing the data under Article 9 GDPR.

The lawful basis under Article 6 GDPR for obtaining your medical information, criminal record and trade union membership is a contractual one. The separate condition for processing this information is under Article 9(2)(b).

The lawful basis under Article 6 GDPR for obtaining your race, ethnic origin and religion information is consent. It is optional to provide this information, and this is made clear on the point of your application to the school. If you do provide this information, then the main purpose that the school obtains this is for the census and equality. The separate condition for processing is under Article 9(2)(a).

Due to the sensitive nature of special category data, special care will be taken when collecting, processing and sharing this information.

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Our legal basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use your personal information 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)
- We have legitimate interests in processing the data

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

The above is in accordance with legal bases set out under Article 6 and the processing of special categories of personal data under Article 9 of the General Data Protection Regulations (GDPR). We also have obligations under the Education Act 1996 – this information can be found in the census guide documents on the following website <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

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Collecting this personal data

Whilst most of the information you provide to us is mandatory, some of it is provided to us on a voluntary basis. 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.

We collect your personal information on your application form and through your contract during the

recruitment process. For volunteers, we ask you to provide your personal information as part of the recruitment to a voluntary role. Your information is stored in a secure location in your personnel file and is strictly confidential.

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How we store this data

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

We hold school workforce data securely for the time you are in our school and in compliance with the timescales set out on www.IRMS.org.uk/page/schoolstoolkit and the schools GDPR Data Protection Policy and Records Management and Retention Policy.

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records and paper records. Care will be taken to ensure that any external company is a reputable one who will provide certificates and assurances for the safe disposal of such information.

We keep information about you on computer systems and paper. There are strict controls on who can see your information.

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Data Sharing – who we share any personal data with and why

Who we share this information with

We are required, by law, to pass on some of this personal data to:

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

We will not share information about you with third parties without your consent unless the law allows us to. Some examples of who we may share your data with include:

- Your family or representatives (e.g. details relating to an emergency),
- Educators and examining bodies,
- Ofsted,
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll,
- Financial organisations,
- Our auditors,
- Survey and research organisations (we will seek your consent in advance of this),
- Trade unions and associations,
- Health Authorities and Social Welfare organisations,
- Police forces, courts, tribunals, and
- Professional Bodies.

If you require more information about how we and/or DfE store and use your personal data please visit:

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

Why we share school workforce information

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

Local authority

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

Department for Education (DfE)

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 school employees with our local authority (LA) and the Department for Education (DfE) under s.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](#).

For more information, please see 'How Government uses your data' section.

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Other Rights - 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 Data Protection Officer and Head Teacher in the first instance.

You also have the following rights:

Your right to rectification – you may have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information that you think is incomplete.

Your right to erasure – you have the right to ask us to erase your personal information in certain circumstances. We will only be able to do this in circumstances when the law and/or our policies allow.

Your right to restriction of processing – you have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing – you have the right to object to the processing of your personal information in certain circumstances. For example:

- 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; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

Your right to data portability – you have the right to ask that we transfer the personal information we hold about you to another organisation in certain circumstances.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with our Data Protection Officer in the first instance.

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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 in the first instance.

To make a complaint, please contact our Data Protection Officer. You can find the details in the 'contact us' section.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>

Call 0303 123 1113

Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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Contact us

If you have any questions, concerns or would like more information about anything mentioned please contact the Data Protection Officer, Debbie Pettiford (info@thedpadviceservice.co.uk).

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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, and
- 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/data-collection-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 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.

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>

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