Privacy Notice (How we use school workforce information)

Under data protection law, individuals have a right to be informed about how the Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This document sets out what personal data we will gather and hold about individuals who we employ, or otherwise engage, to work at our Trust.

We, Inspire Learning Partnership, Hampton Lane, Blackfield, Southampton, Hampshire SO45 1XA, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Carrie Jackson (see 'Contact us' below).

What information we collect and hold

Workforce data is essential for the Trust's / School's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

The organisation collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender;
- the terms and conditions of your employment;
- details of your qualifications, training records, professional memberships, skills, experience and employment history, including start and end dates, with previous employers and with the organisation;
- Recruitment information including:
  - Information included in an application form or cover letter or as part of the application process, including the disclosure and barring service certificate number, driving license number,
  - Information about your education, qualifications and professional achievements
  - Recruitment information, including copies of right to work documentation, references and other information included in an application form or cover letter or as part of the application process
  - We may obtain information from publicly available sources such as your social media profiles; and
  - Personal information (from you and third parties) when we carry out pre-employment checks, for example, references, confirmation of fitness to work, right to work in the UK and criminal records checks.

- information about your remuneration, including entitlement to benefits such as pensions or insurance cover;
- details of your bank account and national insurance number;
- information about your marital status, next of kin, dependants and emergency contacts, vehicle registration number;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- disqualification by Association Form
- details of your schedule (days of work and working hours) and attendance at work;
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave;
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence;
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments;
- risk assessments
- details of trade union membership; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.
- Photographs for safeguarding purposes i.e. ID badge
- CCTV footage

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health, political opinion and religion or belief.
- Trade union membership
- Health, including any medical conditions, current medication, and sickness records

The Trust collects this information in a variety of ways. For example, data is collected through application forms; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Trust collects personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Data is stored in a range of different places, including in your personnel file, in the Trust's HR management systems and in other IT systems (including the Trust's email system).

Why we collect and use this information

The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer where relevant benefit, pension and insurance entitlements.

In some cases, the Trust needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, the Trust has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Under the Data Protection Regulation (GDPR), the legal basis / bases we rely on for processing personal information for general purposes are to:

The purpose of processing this data is to help us run the Trust, including to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled;
- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

The lawful basis on which we process this information

We only collect and use personal information about you when the law allows us to.

We process this information under:

- Article 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- Article 9(2)(b) processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- Further information regarding data collection can be found in the Education Act 1996 within guide documents on the following website: https://www.gov.uk/education/data-collection-and-censuses-for-schools

Less commonly, we may also use personal information about you 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)
- 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.

Where the Trust relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes). Information about trade union membership is processed to allow the Trust to operate check-off for union subscriptions.

Where the Trust processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring.

Collecting workforce information

Workforce data is essential for the Trust's/local operational use. 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.

Storing workforce information

Personal data is stored in line with our data protection policy/records management policy.

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.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our record retention schedule/records management policy.

The record retention schedule/records management policy can be found in the staff information folder on the IT system.

Who we share this workforce information with

Your information will be shared internally, including with members of the HR and recruitment service provider (including payroll), your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

The Trust shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service. The organisation may also share your data with third parties in the context of a sale of some or all of its business. In those circumstances the data will be subject to confidentiality arrangements.

The Trust also shares your data with third parties that process data on its behalf, in connection with payroll, HR, the provision of benefits and the provision of occupational health services, School Insurance providers, the relevant Local Authorities (Surrey or Hampshire) and the 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 children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

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.

The organisation will not transfer your data to countries outside the European Economic Area.

How Government uses your data

The workforce 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
- 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 DfE

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/contact-dfe

How does the Trust protect your data

The Trust takes the security of your data seriously. The Trust has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused, or disclosed, and is not accessed except by its employees in the performance of their duties.

Where the Trust engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long does the Trust keep data?

The organisation will hold your personal data for the duration of your employment. The periods for which your data is held after the end of employment are set out in the Trust's Data Retention Schedule.

Requesting access to your personal data

How to access personal information we hold about you

Under data protection legislation, you have the right to request access to information about you that we hold.

If you make a **'subject access request'**, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

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

If you would like to make a request, please contact our data protection officer.

Your other rights regarding your data

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
- 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

To exercise any of these rights, please contact our data protection officer.

What if you do not provide personal data?

You have some obligations under your employment contract to provide the Trust with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the Trust with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the Trust to enter a contract of employment with you. If you do not provide other information, this will hinder the Trust's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

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.

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

Contact Us

If you would like to discuss anything in this privacy notice, please contact:

Carrie Jackson - Data Protection Officer by email at dpo@ilpartnership.org to by telephone 02380 407460.