



## Basildon C.E. Primary School

# PRIVACY NOTICE FOR OUR SCHOOL WORKFORCE (GDPR)

May 2018

### The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, address, employee or teacher number, national insurance number contact details, including email address and telephone number, date of birth and gender)
- the terms and conditions of your employment;
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the school;
- information about your remuneration, including entitlement to benefits such as pensions ;
- details of your bank/building society account ;
- information about your marital status, next of kin, dependants and emergency contacts;
- information about your nationality and entitlement to work in the UK;
- information about your criminal record;
- 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, performance improvement plans and related correspondence;
- information about medical or health conditions, including whether or not you have a disability for which the school needs to make reasonable adjustments; and
- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

### Why we collect and use this information

Basildon C.E. Primary School 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 pensions.

In some cases, the school 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.

In other cases, the school has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows us to:

- run recruitment and promotion processes;
- 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 school 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.]

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Where we process 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.

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

The lawful bases for processing are set out in Article 6 and Article 9 of the GDPR. At least one of these must apply whenever we process personal data:

**Contract:** the processing is necessary for a contract the school has with you, or because the employee has asked for specific steps before entering into a contract.

**Legal obligation:** the processing is necessary for the school to comply with the law (not including contractual obligations).

### **Collecting this information**

Basildon C.E. Primary School may collect information in a variety of ways. For example, data might be 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; from correspondence with you; or through interviews, meetings or other assessments.

We may also collect personal data about you from third parties, such as references supplied by former employers and information from criminal records checks permitted by law.

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 this information**

Data will be stored in a range of different places, including in your personnel file, in the school's information management systems and in other IT systems (including the school's email system).

We hold school workforce data in line with the school's GDPR Data Protection Policy available on our school's website.

### **Who we share this information with**

Your information may be shared internally within the school, including with the school Senior Leadership and Administrative teams, your line manager, and other staff if access to the data is necessary for performance of their roles.

The school 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. We may also share your data with third parties in the context of a merger or outsourcing of services. In those circumstances the data will be subject to confidentiality arrangements.

Basildon C.E. Primary School also shares your data with:

- West Berkshire Local Authority,
- the Department of Education (DfE) and with third parties that process data or undertakes a service on its behalf,
- our designated HR provider to provide us with advice on employment and provision of a contract of employment;
- our designated staff insurance provider (in the case of teaching staff and other specified staff) – this is to enable us to provide staff cover during times of prolonged absence;
- our designated occupational health service provider, to provide support and advice to employees and the school following periods of ill health.

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

Where the school 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 measures to ensure the security of 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 section 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 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, schools 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>

### **How long do we keep data?**

Basildon C.E. Primary School 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 as set out in our GDPR Data Protection Policy.

### **What if you do not provide personal data?**

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

### **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 Mrs Pam Slingsby, School Business Manager.

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

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/>

If you would like to discuss anything in this privacy notice, please contact Mrs Pam Slingsby

### **Contact Information:**

Mrs Pam Slingsby, School Business Manager – [finance@basildonprimary.org.uk](mailto:finance@basildonprimary.org.uk)