PRIVACY NOTICE FOR EMPLOYEES of St John's C of E Primary School

HOW WE USE EMPLOYEE INFORMATION

This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other type of contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

a) Used lawfully, fairly and in a transparent way.
b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
c) Relevant to the purposes we have told you about and limited only to those purposes.
d) Accurate and kept up to date.
e) Kept only as long as necessary for the purposes we have told you about.
f) Kept securely.

THE TYPE OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are "special categories" of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Teacher Reference Number
- Start date
- Location of employment or workplace
- Copy of driving licence if applicable
- Recruitment information (including copies of pre-vetting recruitment and identity checks (including, where appropriate, information about your employment history, Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, prohibition checks /section 128 checks and disqualification checks, for example under the Childcare (Disqualification) Regulations 2009 and any further checks that are required if you have lived or worked outside the UK), your nationality and right to work documentation, references

and other information included in a CV, application form or cover letter or as part of the application process)
- Employment records (including job titles, work history, working hours, training records and professional memberships)
- Compensation history
- Performance information
- Disciplinary and grievance information, including warnings issued to you
- CCTV footage and other information obtained through electronic means such as swipecard records
- Information about your use of our information and communications systems
- Photographs

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Genetic information and biometric data
- Information about your criminal record

HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider.

We may sometimes collect additional information from third parties including former employers, the Local Authority or other background check agencies.

We will also collect additional personal information in the course of job-related activities throughout the period of you working for us.

HOW WE WILL USE INFORMATION ABOUT YOU

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

a) Where we need to perform the contract we have entered into with you.

b) Where we need to comply with a legal obligation.

We may also use your personal information in the following situations:

c) Where we need to protect your interests (or someone else's interests).

d) Where it is needed in the public interest or for official purposes.

Situations in which we will use your personal information

We need all the categories of information in the list above primarily to allow us to perform our contract with you*, to enable us to comply with legal obligations** and/or where it is needed in the public interest or for official purposes ***. The situations in which we will process your personal information are listed below.

We have indicated by asterisks the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved:

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK

- Checking the award of Qualified Teacher Status, completion of teacher induction and prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions via the Teacher Services Online platform
- To maintain our single central record and to comply with our general safeguarding obligations
- To provide information on our website about our employees
- Where appropriate, to disclose certain information in the Academy's accounts in accordance with the Accounts direction
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Providing the following benefits to you: LIST
- Liaising with your pension provider
- Administering the contract we have entered into with you
- In order to operate as a school, which may involve us sharing certain information about our staff with our stakeholders or processing correspondence or other documents, audits or reports which contain your personal data
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Responding to complaints or investigations from stakeholders or our regulators
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Providing references to prospective employers
- Education, training and development requirements
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence
- Complying with health and safety obligations
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee retention and attrition rates
- In connection with the Transfer of Undertaking (Protection of Employment) Regulations 2006, for example, if a service is outsourced or in connection with an academy conversion.
- To maintain and promote equality in the workplace
- To comply with requirements of the Southwark Diocesan Board of Education to share personal data about employees to the extent that they require it to fulfil their functions
- To receive advice from external advisors and consultants
- In appropriate circumstances to liaise with regulatory bodies, such as the NCTL, the Department for Education, the DBS and the Local Authority about your suitability to work in a school or in connection with other regulatory matters

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving staff will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers) or we may be unable to discharge our

obligations which may be in the public interest or for official purposes.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION

"Special categories" of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

a) In limited circumstances, with your explicit written consent.
b) Where we need to carry out our legal obligations and in line with our data protection policy.
c) Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in line with our data protection policy.
d) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Our obligations as an employer

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence including the reasons for the leave, which may include sickness absence or family-related leave, sabbaticals, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to comply with the Equality Act 2010, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union subscriptions, register the status of a protected employee and to comply with employment law obligations.
- As we are a Church of England school, we will hold information about the religious beliefs of some employees so that we can assess their suitability to hold certain posts.

Do we need your consent?

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

- to carry out our legal obligations or exercise specific rights in the field of employment law;
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and we provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In other circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

You should be aware that it is not a condition of your contract of employment with us that you agree to any request for consent from us.

INFORMATION ABOUT CRIMINAL CONVICTIONS

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy or safeguarding policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our recruitment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your employment with us.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us.

We will use information about criminal convictions and offences in the following ways:
Decision about employment
Safeguarding issues

AUTOMATED DECISION-MAKING[1]

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

a) Where we have notified you of the decision and given you 21 days to request a reconsideration.
b) Where it is necessary to meet our obligations under your employment contract and ensure that appropriate measures are in place to safeguard your rights.
c) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

DATA SHARING

We may have to share your data with third parties, including third-party service providers and other organisations. In particular, we may share your data with organisations including, but not limited to, the following:

- the Local Authority
- the Department for Education
- the Education & Skills Funding Agency
- the Southwark Diocesan Board of Education
- the Disclosure and Barring Service
- the Teaching Regulation Agency
- the Teachers' Pension Service
- the Local Government Pension Scheme which is administered by
- our external HR provider
- our external payroll provider
- Our IT Provider
- HMRC
- the Police or other law enforcement agencies
- our legal advisors
- insurance providers / Risk Protection Arrangement

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Why might we share your personal information with third parties?

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, where it is needed in the public interest or for official purposes, or where we have your consent.

Which third-party service providers process your personal information?

"Third parties" includes third-party service providers (including contractors and designated agents).

The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, IT services.

The following third-party service providers process personal information about you for the following purposes:
Surrey County Council – Payroll provider
Teachers Pensions – Pension administrator
Surrey Pensions – Pension administrator
Babcock – IT services and Data collector administrator
Parentmail – for communication
Wisepay – for dinner money control
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 pupils with the Department for Education (DfE) under regulation 7 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 as amended.

DfE data collection requirements

The following is information provided by the DfE concerning the reason it collects data about school employees:

- 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 DfE including the data that we share with them, go to https://www.gov.uk/education/data-collection-and-censuses-for-schools.

The 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 by:

- conducting research or analysis;
- producing statistics; and / or
- providing information, advice or guidance

The DfE 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 the DfE's 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 DfE'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 secure is your information with third-party service providers?

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

What about other third parties?

We may share your personal information with other third parties, for example if there was a TUPE transfer of s in future. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data subject access request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

DATA SECURITY

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

DATA RETENTION

How long will we use your information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are managed in accordance with the IRMS Retention of records document guidance. A full copy can be obtained by following this link *Information and Records Management Society's toolkit for schools*

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy **OR** applicable laws and regulations.

RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).

- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the DPO in writing.

The legal timescales for the school to respond to a Subject Access Request is one calendar month.

As the school has limited staff resources outside of term time, we encourage you to ssubmit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible.

For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may 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. To withdraw your consent, please contact the DPO. Once we have received notification that you have withdrawn your consent, 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.

DATA PROTECTION OFFICER

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice.

If you have any questions about this privacy notice or how we handle your personal information, please contact:

Mrs C Jarrott-Chase – via email: dpo@stjohnscofe.uk

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us/email/ or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

We may also notify you in other ways from time to time about the processing of your personal information.