

Privacy notice for the school workforce



PN 3: Rev Jan 2023

1. Introduction

Under UK data protection law, individuals have a right to be informed about how our 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 privacy notice explains how we collect, store and use personal data about **individuals we employ, or otherwise engage to work at our school**.

Our trust, Akaal Academy Trust Derby, Grange Avenue, Derby DE23 8DG (tel 01332 499011), is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Steve Arundel (see 'Contact us' below).

2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Well-being information such as your SWELL plan
- Performance and Appraisal information
- Data associated to the investigation stage of disciplinary and / or grievance procedures
- Outcomes of any disciplinary and/or grievance procedures
- Reports and details of any action taken in accordance with the school's Low Level Concerns Policy
- Absence data
- Copy of driving licence

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any health conditions you have that we need to be aware of
- Any disability and / or access requirements you may have
- Sickness records
- Photographs and CCTV images captured in school
- Trade union membership

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

We use the data listed above to:

- a) Enable you to be paid
- b) Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- c) Support effective performance management
- d) Inform our recruitment and retention policies
- e) Allow better financial modelling and planning
- f) Enable equalities monitoring
- g) Improve the management of workforce data across the sector
- h) Support the work of the School Teachers' Review Body

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

3.2 Use of your personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

4. Our lawful basis for using this data

Our lawful bases for processing your personal data for the purposes listed in section 3 above are as follows:

The Education Acts of 2011, 2010, 2002 & 1996

Safeguarding of Vulnerable Groups Act 2006

School Teachers' Pay and Conditions Document 2020

The Burgundy Book (Conditions of Service for School Teachers in England & Wales)

Equality Act 2010

Disability Discrimination Act 1995

Articles 6 & 9 of the General Data Protection Regulations

The Data Protection Act 2018

The Data Protection, Privacy & Electronic Communications (Amendments etc) (EU Exit) Regulations 2020

- For the purposes of (d), (e) & (g), in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school as set out above:
- For the purposes of (a), (b), (c), (f) & (h) in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out above:
- For the purposes of (c), (d), (f), (g) & (h), in accordance with the 'consent' basis – we will obtain consent from you to use your personal data

- For the purposes of (b) & (c), in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation
- For the purposes of (a), in accordance with the 'contract' basis – we need to process personal data to fulfil a contract with you or to help you enter into a contract with us

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 would go about withdrawing consent if you wish to do so.

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies

- Police forces, courts, tribunals
- Other organisations / establishments you have worked for in the past

6. How we store this data

We keep personal information about you while you work at our school. We may also keep it beyond your employment at our school if this is necessary. Our record retention schedule sets out how long we keep information about staff.

A copy of the record retention schedule is available by e-mailing the Data Protection Officer (detailed in Section 10 below).

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.

We will dispose of your personal data securely when we no longer need it.

7. Who we share data with

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority, Derby City Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Government departments or agencies
- Our regulator, Ofsted
- Suppliers and service providers:
 - HR:- Flint Bishop LLP St Michael's Court, St Michael's Lane, Derby DE1 3HQ
 - Dataplan (payroll)
 - CPoms (safeguarding)
 - ScholarPack (personnel details)
 - Teachers' Pension (pension)
 - LGP (Derbyshire) (pension)
 - Atlantic Data Ltd (DBS)
 - Training organisations eg. The Key (support & training)
- Financial organisations
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals

Pupils' Transition to Secondary School

Following National Offer day, secondary schools will be able to request the personal data of pupils offered places at their schools. The purpose of processing the data is to ensure that the secondary schools have knowledge of all relevant pupil information and to support pupils during the transition process.

Further processing of the data will be undertaken by agreed, named, third parties, such as, but not limited to, Link ICT Services Ltd, Derby City Council and the School Development Support Agency to enhance the transition support offered to schools and pupils. Details of the sub-processors are available on the School Transition website <https://www.schooltransition.co.uk>

Further information specifically relating to staff is as follows:

The following personal data will be held for users of the Transition Portal:

- Personal information (such as name, job title, email address, employment, IP address, Session IDs)
 - Interactions between Transition Portal Users and School Transition Limited, such as support tickets raised or queries made with our support team
- Information collected automatically relating to the Transition Portal to include information eg a user's IP address, device type, unique device identification numbers and login information, browser-type and version, time zone setting, operating system and platform, broad geographic location (e.g. country or city-level location) and other such technical information.

Data will only be retained for as long as is necessary for the purpose of transition. Following confirmation that the transition process is complete the data will be securely deleted.

7.1 Transferring data internationally

We do not currently transfer or share any personal data with international third parties. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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 us (see 'Contact us' below).

8.2 Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing

- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

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 in the first instance.

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

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Steve Arundel – s.arundel@akaalprimaryschool.org or via the school office.