

# **General Data Protection Regulations Privacy Notice for Staff (How we use workforce information)**

## **What is the purpose of this document?**

Elevate Multi Academy Trust (Elevate) is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (“GDPR”). It applies to all employees, workers and contractors.

Elevate is a “data controller”. 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. It does not form part of any contract of employment or other contract to provide services.

## **The categories of workforce information that we collect, process, hold and share about you are:**

- personal information (such as name, address, bank details, next of kin details, employee or teacher number, national insurance number);
- special categories of data including characteristics information such as racial or ethnic origin, sexual orientation, religious beliefs, trade union membership, genetic or biometric data, medical information including health and sickness records and [information about criminal convictions and offences];
- contract information (such as start dates, hours worked, post, roles, training records and salary information);
- recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter as part of the application process);
- work absence information (such as number of absences and reasons);
- qualifications (and, where relevant, subjects taught);
- disciplinary, grievance and performance information;
- CCTV footage and other information obtained through electronic means such as swipecard records;
- information about your use of our information and communications systems;
- photographs.

## **How is your personal information collected?**

We collect this information through the application and recruitment process, either directly from candidates or from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, (where applicable, the Diocese) and other referees. We collect additional personal information in the course of job-related activities throughout the period during which you work for us.

**Why we collect and use this information:**

We use workforce information to:

- make decisions about recruitment, appointment, salary reviews, benefits and promotion;
- check that individuals have the right to work in the UK;
- enable the development of a comprehensive picture of the workforce and how it is deployed;
- inform the development of recruitment and retention policies;
- enable individuals to be paid and, where appropriate, to deduct tax and National Insurance Contributions;
- enable support for staff;
- manage performance, training and development;
- handle disciplinary, dismissal and grievance matters;
- conduct restructuring and redundancy processes;
- manage sickness absence;
- ensure the health, safety and security of our workforce, both physically and on our computer systems;
- monitor equal opportunities.

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

We need to process workforce information for the following lawful reasons:

- to perform/administer the contract that we have entered into with you;
- to comply with our legal obligations;
- we may also process workforce information in the following situations, which are likely to be rare: where we need to protect your interests (or someone else's interests) and where we need to do so in the public interest.

**If you fail to provide personal information:**

If you fail to provide certain information when requested:

- we may not be able to deliver the contract that we have entered into with you (such as paying you or providing a benefit);
- we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workforce).

**Change of purpose:**

We will only use workforce 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.

### **Special categories of data**

Information such as racial or ethnic origin, sexual orientation, religious beliefs, trade union membership, genetic or biometric data and medical information including health and sickness records requires higher levels of 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:

- in limited circumstances, with your explicit written consent;
- where we need to carry out our legal obligations or exercise rights in connection with your employment;
- where it is needed in the public interest, such as for equal opportunities monitoring, gender reporting or for our occupational pension scheme;
- less commonly, 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.

### **Information about criminal convictions:**

We will 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 that we do so in line with our data protection policy.

Where appropriate, we will collect information about criminal convictions as part of the recruitment process, DBS checks or where we are notified of such information directly by you in the course of you working for us.

### **Collecting this information:**

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 workforce information to us or if you have a choice in this.

### **Storing this information:**

We hold workforce information for the periods of time set out in our Data Retention Policy.

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

We routinely share this information with:

- our/your local authority;
- the Department for Education (DfE);
- the Education Skills Funding Agency (ESFA);
- Payroll provider;
- HR provider;
- Internal and External Auditors;
- Professional advisers and consultants;
- Bank.
- Suppliers and service providers – to enable them to provide the service we have contracted them for;
- Financial organisations;
- Central and local government;

- External and internal auditors appointed by Elevate Multi Academy Trust;
- 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;
- Professional bodies;
- Diocese
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**Why we share workforce information:**

We do not share information about workforce members with anyone without consent unless we are required to do so by law, where it is necessary to administer the working relationship with you, or where we have another legitimate interest in doing so. We require third parties to respect the security of your data and to treat it in accordance with the law.

**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.

**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/datacollection-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;
- the arrangements in place to securely store and handle the data.

To be granted access to 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/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

### **Rights of access, correction, erasure and restriction**

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 your Data Protection Officer. You will not usually have to pay a fee to access your personal information.

You also have the right to:

- object to processing of personal data where we are relying on a legitimate interest and the processing 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;
- request the transfer of your personal information to another party;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed;
- 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 by contacting the Data Protection Officer. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Further information**

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

**EMAT HR & Payroll Manager:** Mrs Alexandra Lazzari, 01423 541 996, Elevate Multi Academy Trust, Halfpenny Lane, Knaresborough, HG5 9ET [a.lazzari@elevatemat.org](mailto:a.lazzari@elevatemat.org)

**Data Protection Officer:** Mrs Dianne Mousley, 01423 541 996, Elevate Multi Academy Trust, Halfpenny Lane, Knaresborough, HG5 9ET d.mousley@elevatemat.org

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