



# Staff Privacy Notice

**History of document: To be reviewed annually and re-approved every two years.**

Issue number	Author	Date written	Approved by Board	Comments
1	C Burt	08 January 2018	27/03/2018	
2	J Goodwin	19 Nov 2019	19/11/2019	Updated to align with DfE guidance of Aug 2019

## **Privacy Notice (How we use Trust workforce information)**

### **Introduction**

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

This Privacy Notice sets out how the Trust collects, stores, and uses information that you give Yorkshire Causeway Schools Trust (YCST).

YCST is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified, then you can be assured that it will only be used in accordance with this Privacy Notice.

YCST is the 'data controller' for the purposes of data protection law.

### **The personal data we hold**

Personal data that we may collect, use, store and share (when appropriate) about members of the Trust workforce includes, but is not restricted to:

- personal information (such as name, employee or teacher number, national insurance number, gender, address, date of birth, emergency contact details, medical information)
- characteristics (such as ethnicity, language, nationality, country of birth, religion)
- contract information (such as start dates, hours worked, post, roles and salary information)
- payroll information (such as bank account details and rates of pay)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- photographs and videos
- CCTV images captured in school.

We may also hold data about members of the school workforce that we have received from other organisations, such as other schools, local authorities and the Department for Education.

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

We use the information we collect and hold to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of workforce policies (such as recruitment and retention)
- safeguard the workforce employed by the Trust

- comply with law regarding data sharing
- monitor official Email communications and internet use etc. for the purpose of ensuring compliance with the Trust's ICT Acceptable Use Policy
- enable individuals to be paid.

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

We only collect and use personal data when the law allows us to. Most commonly, we process it where we need to comply with a legal obligation or where we need it to perform an official task in the public interest (such as providing education).

We collect and process the data referred to earlier under General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), Article 6 (1) (e), 'public task'.

The processing of special categories of personal data is covered by General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) Article 9 (2) (a).

Less commonly, we may also process personal data in situations where we have obtained consent to use it in a certain way or where we need to protect the individual's vital interests (or someone else's interests).

Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting information**

Whilst the majority of information we collect is mandatory, some of it is provided to us on a voluntary basis. In order to comply with General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

We do not currently process any personal data through automated decision-making 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.

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

### **Storing data**

We keep personal information about the Trust workforce while they are working in a Trust school. We may also keep it beyond their employment at a Trust school if this is necessary in order to comply with our legal obligations. Our Trust Records Management Policy and School Records Retention Schedule set out how long we keep information. A copy of these are available from Trust schools on request.

## **Who we share information with**

We do not share information about the Trust workforce with any third party without consent unless the law and this policy allows us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information with the following organisations subject, where appropriate, to receiving assurances regarding their own data protection procedures and protocols and that it is used only for the specific purpose intended:

- local authorities (to meet our legal obligations to share certain information with it)
- the Department for Education
- our regulators (e.g. Ofsted)
- suppliers and service providers
- financial organisations
- central and local government
- our auditors
- survey and research organisations
- health authorities and health and social welfare organisations
- professional bodies including advisers and consultants
- police forces, courts, tribunals.

## **Why we share Trust workforce information**

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 of educational attainment.

We are required to share information about members of our workforce with the DfE under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Third Party data processors are subject to strict due diligence and assurances on information security and data protection compliance. Chosen providers are used solely to support the educational goals of the Trust and/or to provide electronic processing of routine administrative tasks and not for marketing purposes.

## **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 DfE may share information about Trust 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 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 Trust 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 DfE's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>.

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

## **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area (or the UK post-Brexit), we will do so strictly in accordance with data protection law.

## **Requesting access to your personal data**

Individuals have a right to make a ‘**subject access request**’ to gain access to personal information held about them.

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.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact the Headteacher or School Business Manager in the first instance.

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.

## **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 concern about our data processing, please raise this with us in the first instance.

To make a complaint, please refer to the Trust Complaints Policy available on the Trust and school website.

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
- write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **Contact**

If you would like to discuss anything in this privacy notice, in the first instance please contact your Headteacher or School Business Manager.

The Data Protection Officer for Yorkshire Causeway Schools Trust is:

Jane Goodwin, Chief Operating Officer

C/O St. Aidan's Church of England High School, Oatlands Dr, Harrogate HG2 8JR

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