

Privacy Notice for the School Workforce

Under data protection law, individuals have a right to be informed about how the school 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.

Peterborough Keys Academies Trust (PKAT) is the licensed 'data controller' for the purposes of data protection law. Middleton Primary School is a member of PKAT and operate as a 'data processor' under the PKAT licence.

THE PERSONAL DATA WE HOLD

We process data relating to those we employ, or otherwise engage, to work at our school. 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
- Contractual information, including, 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
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Attendance, Punctuality and Absence data
- Copies of Identification Documents
- Photographic records
- Data about your use of the school's information, technology and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions, and sickness records

WHY WE USE THIS DATA

The purpose of processing this data is to help us run the school, including to:

- Fulfil contractual requirements
- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable equalities monitoring
- Improve the management and development of workforce data across the sector
- Support the work of the School Teachers' Review Body
- Employment checks, e.g. Right to Work in UK, Disclosure and Barring Checks, etc

If staff members fail to provide their personal data, there may be significant consequences. This includes the following:

Employment checks:

Failure to provide the school with ample proof of a right to work in the UK will prevent employment at name of school. Employees found to be working illegally could face prosecution by law enforcement officers.

Salary requirements:

Failure to provide accurate tax codes and/or national insurance numbers could lead to issues of delayed payments or an employee paying too much tax.

OUR LAWFUL BASIS FOR USING THIS DATA

Middleton Primary School holds the legal right to collect and use personal data relating to members of the workforce. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- **Article 6 of the GDPR**, e.g. the processing is necessary for us to comply with the law.
- **Article 9 of the GDPR** where the data processed is sensitive personal data and is classified as 'special category data', e.g. data revealing ethnic origin. The GDPR says "In particular, this type of data could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination."
- **Education Act 1996**
- **Education Act 2005 sections 113 and 114** - is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)
- We have legitimate interests in processing the data

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

COLLECTING THIS INFORMATION

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us. 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.

HOW WE STORE THIS DATA

Personal data is stored in line with our GDPR Policy. We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

In accordance with the GDPR, the school does not store personal data indefinitely. Once your employment with us has ended, we will retain this file and delete the information in it in accordance with the periods of time as stated in our Records Retention Policy.

DATA SHARING

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so. Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

- Our Local Authority
- The Department for Education (Dfe)
- Your family or representatives
- Educators and examining bodies
- Our regulator, e.g. Ofsted

- Suppliers and service providers – to enable them to provide the service we have contracted them for, e.g. Payroll
- Financial organisations, e.g. Pensions
- Central and local government
- Our Trust (Peterborough Keys Academies Trust)
- Survey and research organisations
- Trade unions and associations
- Health authorities
- Safeguarding and security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Employment and recruitment agencies

Our 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 the 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 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>

TRANSFERRING DATA INTERNATIONALLY

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

HOW TO ACCESS PERSONAL INFORMATION WE HOLD ABOUT YOU

Individuals have a right to make a 'Subject Access Request' to gain access to personal information that the school holds about them. 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 our data protection officer.

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

You are entitled to submit subject access requests all year round, but please bear in mind that it may be necessary for us to extend the response period when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex – for example, where we need multiple staff to collect the data.

If you have a concern about the way we are collecting or using your personal data, we request 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/>

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**:

Local Data Protection Officer is: Andy Hudson

Contact: ahudson@middletonprimaryschool.co.uk

The PKAT Data Protection Officer is: Emily Stephens-Dunn

This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.

Updated: 12th July 2018