

### Privacy Notice Staff Workforce

Policy Ref:	HR 008C
Purpose	
Committees	Trust Finance Business and Audit Committee
Other linked policies	Data Protection Framework and associated documents
Issue date:	June 2023
Review Date	June 2024

This document will be reviewed annually and sooner when significant changes are made to the law. Guidance from the Department for Education about school policies can be found here: <https://www.gov.uk/government/publications/statutory-policies-for-schools-and-academy-trusts/statutory-policies-for-schools-and-academy-trusts>

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

1. **Victorious Academies Trust and our schools** collect, hold, use and share information about our workforce. This is known as “personal data” and you have rights around that data, including knowing how and why we are processing the data. “Processing” data means everything from collecting, to storing, using, sharing and disposing of it. The School workforce includes all those employed to teach, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at the school.
2. For the purposes of Data Protection legislation **Victorious Academies Trust** is a data controller and is registered as such with the Information Commissioner’s Office.

### Categories of school workforce information

3. The categories of school workforce information that we process include:
  - personal information (such as name, address, employee or teacher number, national insurance number)
  - characteristics information (such as gender, age, ethnic group)\*
  - contract information (such as start date, hours worked, post, roles and salary information)
  - work absence information (such as number of absences and reasons) and relevant medical information\*
  - qualifications (and, where relevant, subjects taught)
  - photographic and/or CCTV records\*
  - information about medical or health conditions, including whether you have a disability for which the school needs to make reasonable adjustments\*
  - details of trade union membership if you pay your subscriptions through payroll\*
  - equalities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief\*
  - Next of Kin and emergency contact details
  - recruitment information including right to work documentation, references, application and/or CV
  - checks made regarding online presence including social media searches
  - performance information
  - information relating to grievance and/or disciplinary procedures
  - schools – please add any other that are relevant to your setting.
4. We may also collect, use and store information about criminal convictions, offences and prohibitions. This information may have come from other organisations including former employers, Teacher Regulation Agency, social services and the Disclosure & Barring Service.

### Why we collect and use workforce information

5. We use workforce data to:
  - a) enable the development of a comprehensive picture of the workforce and how it is deployed
  - b) inform the development of recruitment and retention policies
  - c) enable individuals to be paid



- d) facilitate safer recruitment (e.g. by carrying out criminal records checks and requesting references)
  - e) support effective performance management
  - f) allow better financial modelling and planning
  - g) support the management of absence
  - h) photographic images for identification purposes (safeguarding), and celebration purposes (to record work, classes and school events)
  - i) to meet our statutory duties
  - j) for site safety and security
  - k) to protect public monies against fraud
  - l) to detect and prevent crime and combat fraud
  - m) to streamline systems
6. Under the UK General Data Protection Regulation (UK GDPR), the legal basis for processing your personal information include:
- Article 6(a) – Your consent (for any processing which does not fall into the other bases explained below)
  - Article 6(b) Contract (your contract of employment)
  - Article 6(c) - Compliance and with our legal obligations
  - In particular, but not exclusively, section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
  - Keeping Children Safe in Education 2022 (statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002 etc).
  - Equality and Health & Safety legislation.
  - Article 6(e) – Carrying out tasks in the Public Interest.
  - Article 6(f) – For legitimate Interests
7. The ways we collect and use sensitive workforce information are lawful based on: your explicit consent; for compliance with certain legal obligations, or for exercising certain legal rights; for protecting a person's vital interests in an emergency; for health and public health reasons; or for carrying out tasks that are in the substantial public interest including for safeguarding purposes.
8. Please refer to our Special Category Data Policy document for full details of these lawful bases for processing this data. Types of data that are special category are indicated above by \*.

## Marketing Purposes

9. Where you have given us consent to do so, we may send you marketing information by text message or email promoting school events, campaigns and or charities. You can withdraw this consent at any time by contacting us (see the Contacts section).

## Automated decision making and profiling

10. We do not currently process any personal data through automated decision making or profiling. Should this change in the future, privacy notices will be updated to explain both the processing and your right to object to it. [Schools – if you are processing in this manner, discuss with the DPO team immediately who will provide advice around the wording of this section and ensure other documentation, such as DPIA is in place]

## How we collect workforce information

11. We collect this information in a variety of ways. For example, data is collected through application forms, obtained from your passport or other identity documents such as your driving licence, from forms completed by you at the start of or during employment (such as pension benefit nomination forms), from correspondence with you, or through interviews, meetings or other assessments, self-certification forms [medical], Fit Notes, images provided by individuals or taken using school photographic equipment, local authorities, previous employers, NHS, the Police, the Disclosure and Barring Service and the Department for Education [DfE].

12. We may sometimes audio/ video record sessions/lessons/assessments for pupil or staff development and assessment. This will generate personal data including staff images, names, contributions, and will be protected, processed and retained in the same way as all personal data, in line with our Trust's Data Protection Policies and in accordance with our other policies including Acceptable Use, Off Site Working and Bring Your Own Device policies, as well as our Retention Schedule. Recordings in these circumstances will be carried out in line with our HR policies.
13. Workforce data is essential for the School's /Local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. We will inform you at the point of collection, whether you are required to provide certain information to us and your rights in relation to this

#### How, where and for how long we store workforce information

14. We store workforce information securely on SharePoint and on each school's IT network. Secure storage is provided for paper based records.
15. We only keep the information for the length of time we need it for, as shown in our data retention schedule. For more information on our data retention schedule, please visit: [Insert link to retention document]
16. We dispose of personal information securely when we no longer need it.

#### Who we share workforce information with

17. We routinely share this information with:
  - our Local Authority (particularly in relation functions related to HR, payroll and Criminal Records checks)
  - our Governing Body
  - the Department for Education (DfE)
  - HMRC
  - The Disclosure and Barring Service
  - Employers where references are requested
  - Police
  - External systems used by schools to carry out day to day processes and requirements. For example, and not limited to; RM Integrus, Purple Mash, Bug Club, Times Tables Rockstars, ParentPay, Purple Mash. Please see our separate list.
18. Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected by the use of International Data Transfer Agreements and security measures, and other appropriate safeguards. For more information on international transfers, please contact us at the details below.

#### Why we share school workforce information

19. We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

#### Local authority

20. We are required to share information about our workforce members with the Local authorities (LA's) where our schools are located, under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
21. This may include, inter alia matters relating to the following: payroll, contracts, and Occupational Health

#### Department for Education

22. We share personal data with the Department for Education (DfE) on a statutory basis. We are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework. 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>

#### Freedom of Information Act and Environmental Information Regulations 2004

23. As a public body, our schools are subject to requests made under the above legislation. Therefore, we have a legal obligation to process any personal data we hold when considering requests under these laws.
24. For example, we may receive a request asking about numbers of staff with particular levels of professional qualification.
25. However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

#### Requesting access to your personal data

26. 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 the School Office, the Headteacher or the Data Protection Officer.
27. You also have the right to:
- be informed about the collection and use of your personal data.
  - rectification, ie to have inaccurate personal data rectified, or completed if it is incomplete.
  - erasure, often known as the 'right to be forgotten'; however this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
  - restrict processing, although, as above this is a limited right.
  - object; though other than for marketing purposes, this is also limited as above.
  - Where we rely on your consent to process your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know – our contacts are in section 2.14 at the end of this document.
  - You also have rights in relation to automated decision making and profiling, though these are not currently relevant
  - Finally, the right to seek redress, either through the ICO, or through the courts

#### How Government uses your data

28. The workforce data that we lawfully share with the DfE through data collections:
- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
  - links to school funding and expenditure
  - supports 'longer term' research and monitoring of educational policy.

#### Data collection requirements

29. 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
30. 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>.

### Sharing by the Department

31. 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
32. 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; and
  - the arrangements in place to securely store and handle the data
33. 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.
34. If you need more information about how our local authority and/or DfE collect and use your information, please visit:
  - our local authority at <http://www.derbyshire.gov.uk/privacynotices> ; or
  - the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

### Contacts

35. If you have a concern about the way we are collecting or using your personal data or you would like to discuss anything in this privacy notice, we ask that you raise your concern with us in the first instance.
36. Please contact the School Office, Headteacher / Principal or School Data Protection Officer:
 

Data Protection Officer:	Education Data Hub (GDPR for Schools), Derbyshire County Council
DPO Email:	<a href="mailto:gdprforschools@derbyshire.gov.uk">gdprforschools@derbyshire.gov.uk</a>
DPO Phone:	01629 532888
DPO Address:	County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG
37. For Derbyshire County Council: Information Governance Officer, Children's Services Department, Derbyshire County Council, County Hall. Matlock. Derbyshire, DE4 3AG  
 Email: [cs.dpandfoi@derbyshire.gov.uk](mailto:cs.dpandfoi@derbyshire.gov.uk)  
 Telephone: 01629 536906
38. For DfE: Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT  
 Website: [www.education.gov.uk](http://www.education.gov.uk)  
<https://www.gov.uk/contact-dfe>  
 Email: <http://www.education.gov.uk>  
 Telephone: 0370 000 2288
39. If however you are dissatisfied with our response to your concerns you can of course contact the ICO quoting our ICO registration number **ZA116828** and stating that the Data Controller is **Victorious Academies Trust**.  
 Information Commissioners' Office, Wycliffe House., Water Lane, Wilmslow, Cheshire, SK9 5AF





**Victorious Academies Trust**

*success in education*

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

Website: <https://ico.org.uk/concerns/>

**Last updated**

40. We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated in **June 2023** and will be reviewed annually by Trustees.

**End**