

Ashleigh Primary School and Nursery

Data Privacy Notice

If you are reading a printed version of this document, you should check the Data Protection Pages on www.robtkett.net to ensure that you have the most up-to-date version.

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

Data Protection Officer: **Data Protection Education Ltd.**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation, please contact the school office:

01953 602410

office@ashleigh.norfolk.sch.uk

Purpose of this document

Ashleigh Primary School and Nursery is a data controller and this document describes the workforce data that is collected and how it is processed. As a controller we are responsible for deciding what data is collected and how it is processed.

Under the Data Protection Act 2018 and the GDPR we must abide by the principle of transparency and the right of data subjects to be informed how their data is processed.

This document provides such information. It will be updated from time to time and updates communicated to the relevant data subjects.

It is your duty to inform us of changes.

Why we collect and use this information

We use school workforce data to:

- 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.

The Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and transparently;
- Collected and used only for the specific, explicit and legitimate purpose they have been collected for and not for any other purposes;

- Adequate and relevant and limited only to what is necessary;
- Accurate and kept up to date;
- Kept only as long as necessary;
- Kept securely, using appropriate technical and/or organisation measures.

Your rights

You have rights associated with how your data is collected and processed. Not every right is absolute, but under certain circumstances you can invoke the following rights:

- Right of access;
- Right of erasure;
- Right of rectification;
- Right to object to processing;
- Right to be informed;
- Right to data portability;
- Right to not be subject to decisions based on automated decision making;
- Right to restrict processing;
- Right to seek compensation for damages caused by a breach of the Data Protection regulations.

The Data Protection Officer (DPO) is in position to ensure your rights are supported. To contact the DPO use the contact details on the front of this notice.

The lawful basis on which we process this information

We collect and process school workforce information:

- Under Article 6 of the General Data Protection Regulation (GDPR) to perform our official function (public task);
- Classed as Special Category data, e.g. race, ethnicity etc. under Article 9 of the General Data Protection Regulation (GDPR) to carry out tasks in the public interest;
- Where it is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- Where it is carried out as a task in the public interest such as equal opportunities monitoring, for child protection purposes or where otherwise authorised by law, such as Departmental Censuses as required in the Education Act 1996;
- Under the terms of the contract of employment;
- As part of the recruitment process background checks will be done which may involve the collection of criminal convictions. We will process criminal conviction data as it is reported during employment/recruitment to assess suitability of continued employment/recruitment;
- Where you have given us consent to do so.

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

Information will be collected during the application and recruitment process, from you or your agency. Additional information may be requested from third-parties during the recruitment process including agencies undertaking background checks and former employers.

Storing this information

We hold school workforce data as documented in our Retention Schedule, which can be requested by contacting the school office.

Types of school workforce data

The categories of school workforce information that we may collect, process, hold and share include:

Personal information

Such as:

- Name;
- Date of birth;
- Gender/gender recognition certification;
- National Insurance number;
- Nationality;
- Contact details (home phone number, personal email address);
- Address;
- Marital status;
- Emergency contact / next of kin;
- Facial image.

Special categories of data

Such as:

- Racial / ethnic group;
- Religion;
- Trade union membership (and payroll deductions made);
- Biometric data (entry point and payment systems);
- Health data including:
 - Occupational health referrals and associated data;
 - Pre-employment medicals;

- Disabilities;
- Access to work assessments and associated data;
- Absence when due to sickness.
- Sexual orientation (if raised in discrimination issues);
- Criminal convictions;
- Prohibition order check results;
- Childcare disqualification check results;
- Disclosure and Barring Service check results.

Contract and work record information

Such as:

- Employee and/or teacher number;
- Start dates;
- Working hours;
- History of posts held;
- Contract offer;
- Work history including:
 - Details of previous jobs and employers;
 - Referees;
 - Job application;
 - CVs;
 - Qualifications;
- Absence record;
- Disciplinary/grievance/complaint records;
- Right to work information (passport, visa, indefinite leave to remain);
- Training records;
- Performance review data;
- Accident/incident reports;
- Safeguarding data;
- Data collected during execution of duties including:
 - Information and communication system usage;
 - Location and usage of work mobile devices;
 - Internet usage;

Financial

Such as:

- Bank details;

- Salary, payroll and tax information;
- Extraordinary payments (insurance, compensation);
- Pension deductions;
- Salary sacrifice and statutory deductions;
- Give As You Earn scheme.

Who we share this information with

We routinely share this information with:

- Our local authority;
- The Department for Education (DfE);
- Third-party service providers (where a contract exists) in order to fulfil contractual obligations (such as payroll) or where a service is being used in the operations of the school (such as parent communication applications).

Only information required for the stated purpose is shared and all third-parties are required to ensure appropriate technical and organisational measures are in place to secure your data.

Why we share school workforce information

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

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 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>

COVID-19

Data collected for the purposes of public health (including visitor contact data for COVID-19) will be kept as long as required. Contact data for visitors will be kept for 21 days after the most recent visit, with information on visitors kept as per standard retention requirements. Public Health data may be shared with third-parties as required including, but not limited to:

- National Health Service (including NHS Test and Trace);
- Public Health England;
- Other local health authorities.

Data collected and processed for public health purposes is done so under GDPR [Article 9\(2\)\(i\)](#) which states: (in part) "processing is necessary for reasons of [public interest](#) in the area of public health, such as protecting against serious cross-border threats to health..." and [Recital 54](#) which includes: "The processing of special categories of personal data may be necessary for reasons of public interest in the areas of public health without consent of the data subject."

Concerns about how your personal data is handled

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 using the contact information on the first page of this document.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Appendix A: List of Processing

For further information regarding any of these processes, please contact the school or the data protection officer using the contact details at the top of this privacy notice.

| What we use your personal information for | Legal basis for processing |
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| Making a decision about your recruitment or appointment. | To fulfil the contract of employment Legal obligation under Keeping Children Safe in Education statutory document |
| Checking you are legally entitled to work with children or vulnerable adults | Processing is necessary for the performance of a task carried out in the public interest Legal obligation under the Safeguarding Vulnerable Groups Act 2006 to undergo a vetting process for all individuals working with children and vulnerable adults and legal obligation under Keeping Children Safe in Education statutory document |
| Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights | Necessary for the performance of the contract |
| Determining the terms on which you work for us. | Necessary for the performance of a contract |
| Checking you are not disqualified from working with children | Legal obligation under the Childcare (Disqualification) Regulations 2009 and Keeping Children Safe in Education statutory document |
| Checking you are legally entitled to work in the UK. | Processing is necessary for the performance of a task carried out in the public interest Legal obligation under the Asylum and Immigration Act 2006 to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK. |
| Providing the following benefits to you: e.g. Norfolk Rewards. | To fulfil the contract you have entered into with the service provider by confirming your continuing employment with the school |
| Liaising with your pension provider. | Legal obligation under the Pensions Act 2008 to provide a workplace pension and manage employer and employee contributions. |
| Paying you, and making tax and NI deductions as required by HMRC | Processing is necessary for the performance of a task carried out in the public interest - Legal obligation to ensure employees are paid under the Employment Rights Act 2002. Processing is necessary for the performance of a task carried out in the public interest - Legal duty to ensure employees and employers pay the correct income tax and National Insurance Contributions (NICs) under the following legislation <ul style="list-style-type: none"> ● Income Tax (PAYE) Regulations 2003 ● National Insurance Contributions and Statutory Payments Act 2004 |
| Statutory reporting to HMRC | Processing is necessary for the performance of a task carried out in the public interest - Legal obligation to inform HMRC of payments made under Income Tax (PAYE) Regulations 2003 |
| Statutory payments and deductions – e.g. Statutory Sick Pay, Statutory Maternity Pay etc. | Processing is necessary for the performance of a task carried out in the public interest - Legal obligation to |

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| | <p>ensure employees receive the correct statutory payments under the following legislation</p> <ul style="list-style-type: none"> • The Statutory Shared Parental Pay (General) Regulations 2014 • The Statutory Maternity Pay (General) Regulations 1986 • The Statutory Paternity Pay and Statutory Adoption Pay(General) Regulations 2002 • Employment Rights Act 2002 |
| Administering the contract we have entered into with you. | To fulfil the contract of employment with you |
| Conducting performance reviews, managing performance and determining performance requirements. | To fulfil the contract of employment with you |
| Making decisions about salary reviews and compensation. | To fulfil the contract of employment with you |
| Making decisions about your continuous employment or engagement | <p>Legal obligation under Safeguarding Vulnerable Groups Act 2006 (if barred from working with children, to fulfil the contract of employment with you) and Keeping Children Safe in Education statutory document</p> <p>Article 9 Special category of data Substantial public interest ground – legal obligation (if barred from working with vulnerable groups)</p> <p>Processing is necessary in respect of employment obligations</p> |
| Making arrangements for the termination of your employment or engagement | <p>Legal obligation (if barred) from working with children, to fulfil the contract of employment with you.</p> <p>Article 9 Special category of data Substantial public interest ground – Legal obligation (if barred from working with vulnerable groups)</p> <p>Processing is necessary in respect of employment obligations.</p> |
| Employee liability information in advance of a TUPE transfer | <p>Processing is necessary for the performance of a task carried out in the public interest - Legal obligation under the Transfer of Undertakings Regulations 2006, the outgoing employer must provide information about the identities and employment of the transferring employees.</p> |
| Assessing qualifications for a particular job or task, including decisions about promotions. | To fulfil the contract of employment with you |
| Gathering evidence about grievance, disciplinary or other capability investigation | To fulfil the contract of employment with you |
| Dealing with legal disputes involving you or other employees, workers and contractors including accidents at work | To fulfil the contract of employment with you |
| Education, training and development requirements. | To fulfil the contract of employment with you |
| <p>Special category of data:</p> <p>Obtaining occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled</p> | <p>Compliance with a legal obligation – the obligation not to dismiss an employee unfairly (Employment Rights Act). Defence of a legal claim where one has been made and to fulfil the contract of employment with you.</p> <p>Article 9: processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care treatment or the management of health or social care systems and services and processing is necessary for carrying out rights and obligations under employment law.</p> |

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| Managing sickness absence by operating and keeping a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled | To fulfil the contract of employment with you and to comply with a legal obligation to pay SSP where required. |
| Identifying and implementing adjustments | Processing is necessary for the performance of a task carried out in the public interest - Legal duty under the Equalities Act 2010 to implement any reasonable adjustments required Article 9 Special category of data Substantial public interest ground - Legal duty under Health and Safety legislation |
| Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled; | To fulfil the contract of employment with you and to comply with a legal obligation to pay statutory leave where required. |
| Gathering data on apprentices and apprenticeships in the school to provide information to requesting bodies for reporting purposes. | Legal obligation under the Public Sector Apprenticeship Targets Regulations 2017' which were made under powers conferred by the Apprenticeships, Skills, Children and Learning Act 2009. |
| Gathering personal data to offer redeployment support if required | Legitimate interests to keep skills within the school workforce. |
| Dealing with legal disputes involving you or other employees, workers and contractors including accidents at work | To fulfil the contract of employment with you |
| Complying with health and safety obligations | Legal obligation under the Health and Safety at Work Act 1974 |
| Fulfilling fair processing notice requirements | Legal obligation under the Education (Supply of Information about School Workforce) (England) Regulations 2007 to provide the DfE with information on members of the school workforce. |
| Workforce reporting requirements e.g., Fair processing notice requirements, Gender Pay gap reporting, Trade union facilities time, Apprenticeship Targets | Legal obligation under the Education (Supply of Information about School Workforce) (England) Regulations 2007 to provide the DfE with information on members of the school workforce, Gender Pay Gap Reporting Regulations, Trade Union Act 2016 and Public Sector Apprenticeship Targets Regulations 2017 |
| To prevent fraud | Legitimate interest to protect public funds |
| To monitor your use of our information and communication systems to ensure compliance with our IT policies. | Fulfil the employment of contract with you. |
| To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution. | Legitimate interest to protect staff and pupils and school data. |
| Equal opportunities monitoring. For example we will use it to monitor, analyse and report on equalities data and use it to assist us to take action to prevent inequalities. It may also be used to develop our policies and processes to take account of the diverse needs of our employees. | Article 6: Legal obligation under the Equalities Act 2010 (Specific Duties) Regulations for Public sector employers to demonstrate compliance with the duty to eliminate discrimination and advance equality of opportunity and comply Article 9 Special Category of data Processing is necessary for reasons of substantial public interest |
| Provide references on request for current or former employees | Teachers: comply with a legal obligation under the School Staffing Regulations (England) 2009 to pass on |

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| | information to prospective employers about teachers and Headteachers, who have been subject to capability procedures. Therefore, when requesting a reference the school must ask the referee whether that teacher has been subject, in the last two years, to their school's capability procedure. Also to comply with Keeping Children Safe in Education statutory document |
| Respond to and defend against legal claims | To fulfil the contract of employment with you |
| Respond to employment queries as and when they arise | To fulfil the contract of employment with you |