



## Privacy Notice for School Staff 2021

**Kingsmead Primary School** 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 work relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, workers and contractors.

### **Who Collects This Information**

**Kingsmead Primary School** 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 does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

### **The categories of personal data that we collect, process, hold and share include:**

- personal information (such as name, address, employee or teacher number, national insurance number);
- special categories of data including characteristics information such as gender, age, ethnic group;
- contract information (such as start dates, hours worked, post, roles and salary information);
- work absence information (such as number of absences and reasons);
- qualifications (and, where relevant, subjects taught);
- banking information relating to payment of salaries;
- information relating to the physical or mental health of employees if required;
- criminal records information as required by law to enable you to work with children;
- your trade union membership;
- information on grievances raised by or involving you;
- information on conduct and/or other disciplinary issues involving you;

- details of your appraisals, performance reviews and capability issues;
- details of your time and attendance records;
- information about the use of our IT, communications and other systems, and other monitoring information;
- details of your use of business-related social media;
- images of staff captured by the School's CCTV system;
- your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the School, you will be notified separately if this is to occur);
- details in references about you that we give to other;

### **Why we collect and use this personal data**

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- to meet legal requirements in reporting staffing arrangements to the Department for Education
- inform the development of recruitment and retention policies
- enable individuals to be paid

### **How We Collect This Information**

We may collect this information from you, your personnel records, the Home Office, pension administrators, your doctors, from medical and occupational health professionals we engage, the DBS, your trade union, other employees, other professionals we may engage (e.g. to advise us generally), automated monitoring of our websites and other technical systems such as our computer networks and connections, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

### **How We Use Your Information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- where we need to perform the contract we have entered into with you;
- where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- where it is needed in the public interest or for official purposes;
- where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.
- when you have provided us with consent to process your personal data.

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below: -

- to determine recruitment and selection decisions on prospective employees;
- in order to carry out effective performance of the employees contract of employment and to maintain employment records;
- to comply with regulatory requirements and good employment practice;
- to carry out vetting and screening of applicants and current staff in accordance with regulatory and legislative requirements;
- enable the development of a comprehensive picture of the workforce and how it is deployed and managed;
- to enable management and planning of the workforce, including accounting and auditing;
- personnel management including retention, sickness and attendance;
- performance reviews, managing performance and determining performance requirements;
- in order to manage internal policy and procedure;
- human resources administration including pensions, payroll and benefits;
- to determine qualifications for a particular job or task, including decisions about promotions;
- evidence for possible disciplinary or grievance processes;
- complying with legal obligations;
- to monitor and manage staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purposes of safeguarding;
- to monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communications systems and preventing malicious software distribution;
- education, training and development activities;
- to monitor compliance with equal opportunities legislation;
- to answer questions from insurers in respect of any insurance policies which relate to you;
- determinations about continued employment or engagement;
- arrangements for the termination of the working relationship;
- dealing with post-termination arrangements;
- health and safety obligations;
- prevention and detection of fraud or other criminal offences; and
- to defend the School in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

We will only use your personal 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.

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

We process this information in accordance with the General Data Protection Regulation (GDPR). Under the GDPR, the lawful basis' we rely on for processing personal information relating to staff members are:

- legal obligation
- necessary for performance of a contract
- legitimate interests

These lawful bases for processing are specified in Article 6 of the GDPR (<https://gdpr-info.eu/art-6-gdpr/>). The majority of the data processing falls under Articles 6(b) (performance of a contract)

In addition, the lawful basis for any processing activities concerning special category personal data is specified in Article 9(2)(b) of the GDPR (<https://gdpr-info.eu/art-9-gdpr/>) and Part 1 of Schedule 1 of the Data Protection Act 2018 (<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0153/18153.pdf>) where the processing is necessary for the purposes of performing or exercising obligations or rights of the controller or the data subject under employment or social security law.

Statutory data processing activities such as submitting data for the school workforce census are undertaken in accordance with Article 6(c) and Article 9(2)(b) when special category personal data is involved. Submission of school workforce census returns (including a set of named staff records) is a statutory requirement on schools and local authorities by virtue of regulations made under sections 113 and 114 of the Education Act 2005. This means that:

- although schools and local authorities must meet their obligations to data subjects information law, they do not need to obtain consent for the provision of information from individual members of the workforce
- schools and local authorities are protected from any legal challenge that they are breaching a duty of confidence to staff members
- schools and local authorities **must** complete a return.

## **Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

## **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances: -

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **Storing this data**

We hold records about staff for a set period of time depending on the type of information they contain.

Details about how long we keep different types of records containing personal data can be found in our Retention Schedule

<https://www.kingsmead.hackney.sch.uk/attachments/download.asp?file=500&type=pdf>

## **Who we share this data with**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following: -

- the Department for Education (DfE);
- Ofsted;
- **LEAP Federation Admin Team**
- Prospective Employers;

- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- LADO;
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The Local Authority;
- Occupational Health;
- DBS; and
- Recruitment and supply agencies.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

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-andcensuses-for-schools>.

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>

### **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the School only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the School considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy found here:

<https://www.kingsmead.hackney.sch.uk/attachments/download.asp?file=500&type=pdf>

The School typically retains personal data for 6 years subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period.

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. Details of these measures are available here:

<https://www.kingsmead.hackney.sch.uk/attachments/download.asp?file=501&type=pdf>

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Why we share school workforce data**

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.

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

### **Your rights with regard to your personal data**

You have the right to:

- request access to information about you that the school holds. To make a request for your personal information contact our appointed Data Protection Officer: **Craig Stillwell** at [dataservices@judicium.com](mailto:dataservices@judicium.com)
- withdraw consent you have given for the school to process personal information where you have provided it
- 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

## **Who to contact if you have any concerns about how we use your personal data**

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance;

### **Kingsmead Primary School**

Kingsmead Way

E9 5PP

020 8985 5779

[admin@kingsmead.hackney.sch.uk](mailto:admin@kingsmead.hackney.sch.uk)

Our appointed Data Protection Officer: **Craig Stillwell**

Company: Judicium Consulting Ltd

Telephone: 0203 326 9174

Address: 72 Cannon Street, London, EC4n 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

or directly to the Information Commissioner's Office at;

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

ICO helpline: **0303 123 1113**

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

## **Changes To This Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of