



# GDPR Privacy Notice Staff Workforce

## Data Protection Act 2018 and General Data Protection Regulation Privacy Notice (How we use school workforce information)

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

- Personal information (such, address, contact numbers for yourself and your emergency contacts, 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)
- Any medical information that you disclose to the school that we need to be aware of to ensure your safety, for example any allergies, medical diagnosis

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

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
- enable individuals and/or their emergency contacts to be contacted
- ensure the safety of staff with medical conditions

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

We process this information under Article 6. 1) a), b) and c) of the GDPR (General Data Protection Regulation):

Article 6.1 a) - the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

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Article 6.1 b) - processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

Article 6.1 c) - processing is necessary for compliance with a legal obligation to which the controller is subject;

In addition, concerning any special category data as listed in Article 9 1) of the EU-GDPR we process the following information: personal data revealing racial or ethnic origin, religious or philosophical beliefs, trade union membership, data concerning health and data concerning a natural person's sexual orientation.

The legal basis under which we collect this information is as follows:

*Ethnic origin, religious belief and sexual orientation* - Article 9.2 b) processing 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 in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

*Trade Union Membership* - Article 9.2 d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

*Medical information* - Article 9.2 h) - processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

### **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.

### **Storing this information**

We hold school workforce data for electronically and manually (locked in the school office) in line with the latest DCC policy on the retention of records (which the school adopts).

### **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. Who we share this information with We routinely share this information with our local authority and the Department for Education (DfE):

## 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/datacollection-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>

## Requesting access to your personal data

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 Headteacher or School Business 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

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.

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

Further information If you would like to discuss anything in this privacy notice, please contact: the Headteacher, School Business Officer or the Chair of Governors.

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### Consent Form

I give my consent for my personal information to be used for the purpose described above (notice dated 23.05.2018). Please note you have the right to withdraw this consent at any time and you can do this by contacting us at the address at the top of this Privacy Notice.

Signed: .....

Date: .....

PRINT NAME: .....