

# Malmesbury C of E Primary School

## Workforce Privacy Notice

### The categories of school information that we process

These include:

- personal information (such as name, date of birth, employee or teacher number, national insurance number, address, telephone number)
- characteristics information (such as gender, age, ethnic group, language, nationality, country of birth)
- contract information (such as start date, hours worked, post, roles, salary information, P45 forms, pension information, references, self disclosure forms, DBS checks, right to work verification information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- Appraisal/Performance Management notes and reports
- Disciplinary information
- Grievances
- Medical information
- Next of kin details

### Why we collect and use workforce information

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) provide support to staff when required (e.g. medical emergencies)
- e) enable ongoing CPD

Under the UK General Data Protection Regulation (UK GDPR), the legal bases we rely on for processing personal information for general purposes are:

- 6a Consent: employees and others who work in the school have given clear consent for us to process their personal data for the purposes indicated above.
- 6c A legal obligation: the processing is necessary for us to comply with the law.
- 6d A duty to safeguard pupils: the processing is necessary in order to protect the vital interests of the data subject (children); (e.g. we are required to have evidence that staff have DBS clearance).
- 6e Public Task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

Special categories of data are set out in Article 9 of the UK General Data Protection Regulation. Malmesbury C of E Primary School will work within the conditions of GDPR – Article 9 of the UK GDPR:

- 9.2a Explicit consent. In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as a condition for processing. Examples of our processing include staff dietary requirements, and health information we receive from our staff who require a reasonable adjustment to access our site and services.
- 9.2b 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 interest of the data subject.
- 9.2c Where processing is necessary to protect the vital interests of the data subject or of another natural person. An example of our processing would be using health information about a member of staff in a medical emergency.
- 9.2f For the establishment, exercise, or defence of legal claims. Examples of our processing include processes relating to any employment tribunal or other litigation.
- 9.2g Reasons of substantial public interest. As a school, we are a publicly funded body and provide a safeguarding role to young and vulnerable people. Our processing of personal data in this context is for the purposes of substantial public interest and is necessary for the carrying out of our role. Examples of our processing include the information we seek or receive as part of investigating an allegation.
- 9.2j For archiving purposes in the public interest. The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – archiving. An example of our processing is the keeping of information as set out in our Records management Policy.

We process criminal offence data under Article 10 of the UK GDPR.

Our Data Protection Policy highlights the conditions for processing in Schedule 1 of the Data Protection Act 2018 that we process Special Category and Criminal Offence data under.

## **Collecting workforce information**

We collect personal information via school starter forms, staff contact forms and emails.

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. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this, and we will tell you what you need to do if you do not want to share this information with us.

## Storing workforce information

We hold school workforce data for 7 years after an individual's employment has terminated, according to our [Data Policy](#)

## Who we share workforce information with

We routinely share this information with:

- our local authority Wiltshire Council
- the Department for Education (DfE)
- the Secretary of State
- the Academy Trust
- Suppliers and service providers with whom we have a contract

## Why we share school workforce information

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 – Wiltshire Council

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

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our school employees with the Department for Education (DfE) under section 7 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, please see 'How Government uses your data' section.

### Secretary of State

We are required to share information about our school employees with the Secretary of State under section 7 of the Education (supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### Academy Trust

The Academy Trust collects personal data from our school employees to record absence. This is shared anonymously with trustees to check on staff wellbeing.

## Suppliers and Service Providers

We are required to share certain information about our school workforce with suppliers and service providers (e.g. pension information, training providers) to enable staff to undertake the legal responsibilities of their role.

## 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 School Business Manager.

Depending on the lawful basis above, you may also have the right to:

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 purposes of direct marketing.
- Object to decisions being taken by automated means.
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO or through the courts.

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/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

## Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the School Business Manager, [sbm@malmesbury-pri.wilts.sch.uk](mailto:sbm@malmesbury-pri.wilts.sch.uk)

## Last updated

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 on 14<sup>th</sup> December 2021.

## Contact

If you would like to discuss anything in this privacy notice, please contact: the School Business Manager, [sbm@malmesbury-pri.wilts.sch.uk](mailto:sbm@malmesbury-pri.wilts.sch.uk)

## How government uses your data

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

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

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.

## How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the department: <https://www.gov.uk/contact-dfe>.