**Privacy Notice – Employees**

Under the data data protection law ([the General Data Protection Regulation](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/)), individuals have a right to be informed about how the Trust uses any personal data that we hold about them. We comply with this right by providing ‘privacy notices’ (sometimes called ‘fair processing notices’) to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **our Employees**.

Primitas Learning Partnership, are the ‘data controller’ for the purposes of data protection law.

The Data Protection Officer (DPO) for Primitas is Natalie Morrissey from the Information Governance Unit at Staffordshire County Council. DPO@staffordshire.gov.uk

**The personal data we hold**

We process data relating to those we employ, or otherwise engage, to work at our Trust. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

* personal information (such as name, 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)
* qualifications (and, where relevant, subjects taught)
* Photographs
* Contact details (such as addresses, email, telephone, contact preferences, date of birth, identification documents, next of kin)
* payroll information (such as bank account details)
* Recruitment information (such as including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)
* Performance information
* disciplinary information (such as outcomes of any disciplinary and/or grievance procedures)
* CCTV footage
* Data about your use of the Trust’s information and communications system

We may also collect, store and use information about you that falls into “special categories” of more sensitive personal data. This includes information about (where applicable):

* Race, ethnicity, religious beliefs, sexual orientation and political opinions
* Trade union membership
* Bio-metric data, such as finger prints
* Criminal data, provided as part of our recruitment process application
* Health, including any medical conditions, and sickness records

**Why we use this data**

The purpose of processing this data is to help us run the Trust, including 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
* Facilitate safer recruitment
* Support effective performance management
* Allow better financial modelling and planning
* Carry out research
* Assess the quality of our services
* accessing online payment gateways

**Our lawful basis for using this data**

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

* Fulfil a contract we have entered into with you
* Comply with a legal obligation,  the lawful basis for processing school workforce information is to fulfil contractual obligations and other legitimate interests. For data collection purposes (Departmental Censuses) provisions of the Education Act
1996 will be followed.
* Carry out a task in the public interest

In addition, concerning any special category data:

* You have given us consent to use it in a certain way
* We need to protect your vital interests (or someone else’s interests)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the Trust’s use of your data.

**Change of purpose**

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.

We may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

**Collecting this information**

We collect personal information via application forms, contracts, data collection forms and internal surveys.

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 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.

**How we store this data**

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit our [Policies](https://www.primitas.co.uk/policies/) page

**Data sharing**

We do not share information about students with any third party without consent unless the law and our policies or internal procedures allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information with these organisations/providers.

**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.

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 (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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](https://www.gov.uk/education/data-collection-and-censuses-for-schoolshttps%3A/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 wellbeing 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>

**NHS Track & Trace**

The law allows Public Health England to use the personal information collected by NHS Test and Trace. The section of the GDPR that applies is:

Article 6(1)(e) ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

For more information regarding the NHS Track and Trace scheme review the scheme’s [privacy notice](https://www.gov.uk/government/publications/phe-privacy-information/covid-19-privacy-information).

**Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

**Your rights**

Individuals have a right to make a **‘subject access request’** to gain access to personal information that the Trust holds about them.

If you make a subject access request, and if we do hold information about you, we will:

* Give you a description of it
* Tell you why we are holding and processing it, and how long we will keep it for
* Explain where we got it from, if not from you
* Tell you who it has been, or will be, shared with
* Let you know whether any automated decision-making is being applied to the data, and any consequences of this
* Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request [click here to find all the information you require.](https://www.primitas.co.uk/policies/)

**Your other rights regarding your data**

Depending on the lawful basis above, you may 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
* 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’](https://www.primitas.co.uk/policies/) section of this notice.

To exercise any of these rights, please Natalie Morrissey from the Information Governance Unit at Staffordshire County Council. DPO@staffordshire.gov.uk

**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 following our complaints procedure](https://www.primitas.co.uk/policies/).

**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 18th May 2021.

**Contact us**

If you would like to discuss anything in this privacy notice, please Natalie Morrissey from the Information Governance Unit at Staffordshire County council. DPO@staffordshire.gov.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>