

Privacy Notice (How we use workforce information)

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

We have updated this privacy notice with information about how we may share your data for 'test and trace' services to support public health.

The personal data we hold on you

This includes:

- Personal information (such as name, employee or teacher number, national insurance number, emergency contact details)
- 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)
- Relevant medical information
- Photographs

This list is not exhaustive. To access the current list of categories of information we process please request to see our data asset audit by contacting the school.

Why we collect and use workforce information

We use workforce data to:

- maintain accurate and up-to-date employment records and contact details (including details of emergency contacts);
- enable individuals to be paid;
- support pension payments and calculations;
- run recruitment processes;
- operate and keep a record of disciplinary and grievance processes to ensure acceptable conduct in the workplace;
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- obtain occupational health advice, to ensure that we meet obligations under health and safety law, and ensure that employees are fit to work;
- 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;
- ensure effective general HR and business administration;
- provide references on request for current or former employees;
- respond to and defend against legal claims;
- inform financial audits of the school;

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- inform national workforce policy monitoring and development
- provide information to local government as required by law in the event of a public health emergency

Our legal basis for using this data

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing workforce information are:

- Article 6 (1) (b) Contract: the processing is necessary because we have a contract with you and we need to process your personal information to comply with your contract.
- Article 6 (1) (c) Legal obligation: the processing is necessary for us to comply with the law; we are required to share information about our workforce members under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
- Article 6 (1) (e) Public Task: we may collect information from you where it is necessary to perform a task in the public interest e.g. taking temperature data on site and / or sharing staff data with the local authority in the event of a public health emergency.
- Article 6 (1) (f) Legitimate interests: we rely on having a legitimate reason as your employer to collect and use your personal information, and to comply with our statutory obligations,
- For some data processing where there is no legal obligation, contract or legitimate interest for the school to collect and use the data, we will ask for your consent under Article 6 (1) (a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose
- We may also share your information if we need to protect your vital interests (or someone else's interest) e.g. in a life or death situation we may share information with healthcare professionals

We may also collect and use information about your health. This is a special category of personal information, and we will only collect and use it when it is necessary for public health, e.g. protecting against serious threats to health. The legal basis here is Article 9(2)(i) of GDPR.

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without your permission 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.

Where we have got your consent to use your data, you may withdraw this at any time. We will make this clear when we ask for your consent and explain how to go about withdrawing consent.

Collecting workforce information

We collect personal information via staff contract forms and annual data collection sheets.

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.

Storing workforce information

We hold workforce data securely for the set amount of time shown in our data retention schedule which is based on guidance from the Information and Records Management Service (IRMS)

<https://irms.org.uk/page/SchoolsToolkit>

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner's Office of a suspected data security breach where we are legally required to do so.

Who we share workforce information with

We routinely share this information with:

- Somerset Local Authority - your personal data may be shared between Council service areas, as required by authorised officers for the performance of their roles, for example HR&Payroll, Finance, Insurance, Health & Safety, Public Health or ICT
- the Department for Education (DfE)

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.

- **Somerset Local Authority**

We are required to share information about our workforce members with Somerset Local Authority under Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. We share information with the Local Authority's HR and Payroll Services under Pension Regulations and Income Tax (Pay As You Earn) Regulations 2003.

- **Department for Education**

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 the Department for Education (DfE) under section 5 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.

Your rights

Requesting access to your personal data

Under data protection legislation, our staff have the right to request access to information about themselves that we hold. To make a request for your personal information, contact the school.

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how the Local Authority processes your data, please ask the school's Data Protection Officer for a copy of the Somerset Data Sharing Agreement. For further information on how Somerset Local Authority's HR Admin and Payroll Services processes your personal data, please see <http://extranet.somerset.gov.uk/hr/employment-information/data-protection/?assetdet1005146=130059>

For further information on how to request access to personal information held centrally by the 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 (insert name of Data Protection Lead here and school email address)

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 (2nd November 2020)

Contact

If you would like to discuss anything in this privacy notice, please contact: insert name of DPL and Data Protection Officer e.g. Amy Brittan, Data Protection Officer dposchools@somerset.gov.uk

Appendix:

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>