

# QUANTOCK EDUCATION TRUST

## Privacy Notice for the school workforce: (How we use school workforce information)

Under data protection law, 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 **individuals we employ, or otherwise engage to work at our Trust.**

We, Quantock Academy Trust, Durleigh Road, Bridgwater TA6 7HW, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Amy Brittan (see 'Contact us below').

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

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, 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
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Biometric Data (from your thumbprint) where your consent has been given.

We may also collect, store and use information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to, information about:

- Health, including any medical conditions, and sickness records
- Photographs and CCTV images captured in school
- Trade union membership



We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social sciences, and the Disclosure and Barring Service in respect of criminal offence data.

## Why we collect and use this 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;
- inform national workforce policy monitoring and development
- Provide information to local government as required by law in the event of a public health emergency

## The lawful basis on which we process this information

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

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 withdraw consent if you wish to do so.

## Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

## 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 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 this information with

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

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you 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 or ICT
- the Department for Education (DfE)
- the Education and Skills Funding Agency
- the Health Authority
- Health and Social Welfare organisations
- Ofsted
- our Auditors
- The Local Governing Bodies, Trustees, Local Government and Teachers Pension services
- Survey and research organisations
- Police forces, courts, tribunals

## 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.

We are required to share information about our workforce members with our 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.





We are required to share information about our school employees with the Department of 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/data-collection-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>

## Your rights

### How to access personal information that we hold about you

Under data protection legislation, you have the right to make a 'subject access request' to gain access to personal information about you that we hold about you. To make a request for your



personal information, please contact us (see 'Contact us' below).

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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

### Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations
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To exercise any of these rights, please contact us (see 'Contact us') below.

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF





## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Our data protection officer is Amy Brittan, Support Services for Education, County Hall, Taunton TA1 4DY.

However, our **data protection lead** has day-to-day responsibility for data protection issues in our school.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them:

- Tracy Lee, Director of Finance and Operations [TLee@Quantockedtrust.co.uk](mailto:TLee@Quantockedtrust.co.uk)

