

SOUTH DARLEY C.E.
PRIMARY SCHOOL



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SOUTH DARLEY C of E PRIMARY SCHOOL

PRIVACY NOTICE – SCHOOL WORKFORCE - GENERAL DATA PROTECTION REGULATIONS

Person/Committee responsible for reviewing/updating this plan	Headteacher
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Date of Review	Governors Meeting Reference Number	Approved by name	Comments

Privacy Notice

(How we use workforce information)

Under General Data Protection Rules, individuals have a right to be informed about how the school 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 and information about:

- Permanent, contract or temporary staff including agency staff
- Volunteers
- Parent Helpers
- Governors

We, South Darley CE Primary School, Cross Green, Matlock, DE4 2JT, are the 'data controller' for the purposes of data protection law.

Our Data Protection Office is Mr Richard Sanderson, who is a Foundation Governor at South Darley CE Primary School. Mr Sanderson can be contacted via the School Business Assistant in the school office.

The categories of school information that we process include:

- personal information (such as name, address, telephone numbers, 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 date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- Medical conditions and administration (such as doctors information, allergies)
- Bank account details (for payroll information purposes)
- Records concerning performance management and appraisal
- Correspondence between the individual and the school
- Correspondence, such as references, between the school and third parties on behalf of a member of staff
- Records of grievances
- Investigations into breaches of terms and conditions of employment
- Records of disciplinary proceedings
- Health and safety records (including accident reports)
- Photographs
- Where appropriate, audio and/or video recording data of staff teaching
- Disclosure and Barring Service results

This list is not exhaustive, to access the current list of categories of information we process please ask to view the school data asset register held in the school office.

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) enable the correct deductions of NI and tax.
- e) manage performance for development of staff
- f) to manage sickness absence for all staff
- g) Undertake employment checks before offering a position to an individual

If staff members (and volunteers/helpers) fail to provide certain types of personal data, such as references, there may be significant consequences. This includes the following:

- failure to provide ample proof of a right to work in the UK will prevent employment within the school. Employees found to be working illegally could face prosecution by law enforcement officers
- failure to provide accurate national insurance numbers could lead to issues of delayed payments or an employee paying an incorrect amount of tax

South Darley CE Primary School recognizes the significance of Special Category personal data and will only process such data if certain conditions are met. These conditions are outlined in guidance from the Information Commissioners Office (ICO).

Staff (and parent helpers/volunteers) are asked to declare their ethnic origin and any disabilities at the time of application for a post. These fall within the definition of Special Category data. Consent will be obtained to use this data in the absence of a different legal basis for capturing it e.g. the requirement to submit the School Workforce Census or Gender Pay Gap reporting.

HR files may also contain Special Category personal data in relation to health or sickness, maternity or paternity leave. These records will be kept in strict confidence and will not be released to third parties without consent except in extreme cases of emergency i.e. in the vital interests of that data subject.

The lawful basis on which we process this information

South Darley CE Primary School has the legal right to collect and process personal data relating to those we employ, or those otherwise contracted to work in the trust as specified above.

We also process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law including

- KCSIE (2016) and subsequent amendments to this document
- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

The submission of the School Workforce Census return, including a set of individual staff records, is a statutory requirement on schools and Local Authorities by virtue of regulations SI2007/1264 made under Sections 113 and 114 of the Education Act 2005.

Putting the school census on a statutory basis:

- Means that schools may not need to obtain employees' consent to the provision of information
- Ensures schools are protected from any legal challenge that they are breaching a

- duty of confidence to pupils
- Helps to ensure that returns are completed by schools

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

- For the purpose of (b), (e), (f) and (g) in accordance with the legal basis of Vital Interests: to keep children safe
- For the purpose of (a), (c) and (d) in accordance with the legal basis of Legal Obligation

Collecting workforce information

We collect personal information via job and volunteer application forms, staff update forms and staff contract forms. No third parties will be contacted to obtain staff members' personal data without the data subject's consent.

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 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 ask to see the relevant policies and data retention schedule held in the school office.

Access to personnel files is carefully controlled and they may only be seen by the Headteacher and the School Business Assistant, or other persons if authorised by the Headteacher. All staff accessing data are bound by obligations of confidentiality.

Who we share workforce information with

Where necessary, third parties may be responsible for processing staff and volunteers' personal information. Where this is required, the school places data protection requirements on third party processors to ensure data is processed in line with staff members' privacy rights. Current third parties used by South Darley CE Primary School for the storing of staff data is:

- RM Integris
- SAP

We routinely share this information with:

- our local authority (where applicable)
- the Department for Education (DfE)
- Disclosure and Barring Service (DBS)
- HMRC
- Pensions Service (Teachers)

We do not share this information with third parties or routinely for our school volunteers.

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

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. Data is transferred in a secure manner using the encryption service 'Perspective Lite'.

Department for Education

The Department for Education (DfE) collects personal data relating to those employed by schools and local authorities that work in state funded schools via various statutory data collections. This data sharing underpins workforce policy monitoring, evaluation and links to school funding/expenditure and the assessment of educational attainment.

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.

Data Collection Requirements

The DfE collects and processes personal data relating to those employed by schools and local authorities that work in state funded schools. 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 DfE 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
- Producing statistics
- Providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether the DfE releases personal data to third parties are subject to a strict approval system 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 school Business Assistant.

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
- a right to seek redress, either through the ICO, or through the courts

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

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/>

Contact

If you would like to discuss anything in this privacy notice, please contact: The School Business Assistant or the Headteacher.

Further information

If you would like to discuss anything in this privacy notice, please contact:

The School Office
South Darley CE Primary School
Cross Green
Matlock Derbyshire
DE4 2JT