



GDPR privacy notice for the School Workforce

1. Who processes your information?

The Academy Trust is the data controller of the personal information you provide to us. This means they determine the purposes for which, and the manner in which, any personal data relating to staff is to be processed. The lead contact for GDPR in each school is the Head Teacher they can be contacted as the school's address.

Chris Haves is the data protection officer. His role is to oversee and monitor the Academy Trust's data processing practices. He can be contacted on:

Telephone: 0191 2853895 option- 3 or chris.haves@smartacademies.net

Where necessary, third parties may be responsible for processing staff members' personal information. Where this is required, the Academy Trust places data protection requirements on third party processors to ensure data is processed in line with staff members' privacy rights.

2. Why do we need your information?

The Academy Trust has the legal right, a contractual right and legitimate interest to collect and process personal data relating to those employed to work at the Academy Trust, or those otherwise contracted to work at the Academy Trust. We also process personal data in order to meet the safeguarding requirements set out in UK employment, company and childcare law. Staff members' personal data is also processed to recruit and employ staff, to assist in the running of the Academy Trust and to support employee related processes including facilitating payments to staff. The following are areas of statutory law under which, we may be required to process personal and/or sensitive personal data.

- The Academy Trust's Funding Agreement with the Department for Education
- The Academy's legal framework- Academies Act 2010, Charities Act 2011 and Companies Act 2006 and Education Act 2011
- Safeguarding Vulnerable Groups Act 2006 and Keeping Children Safe In Education 2016 regulations and barred list and prohibition checks.
- The Childcare (Disqualification) Regulations 2009
- The prohibition from management Section 128 check Education and Skills Act 2008

- Rehabilitation of Offenders Act 1974
- To comply with our duties as an employer- Employment Rights Act 1996
- To comply with our duties under the Health and Safety at Work Act 2015
- Education (Health Standards) (England) Regulation 2003
- The Equality Act 2016
- The Pensions Act 2008.

If staff members fail to provide their personal data, there may be significant consequences. This includes the following:

2.1 Pre-employment checks

Failure to provide or apply for the following will prevent employment within the Academy Trust:

- Right to Work Check- the required proof of a right to work in the UK (employees found to be working illegally could also face prosecution);
- Enhanced DBS Check application- including where appropriate Barred List and Prohibition checks;
- Details of work/study outside the EEA;
- The provision of the details of your last employer for reference checks;
- The provision of the details of a second referee for reference checks;
- The provision of all relevant educational certification;
- The provision of information relating to your Medical clearance-as required under the Education (Health Standards) (England) Regulation 2003.

2.2 Salary and Pensions

Failure to provide personal information could lead to issues of delayed payments or an employee paying too much tax.

As an employer we are required under the Pensions Act 2008 to auto enrol all staff into the pension scheme operated by the Academy Trust/Teachers pensions scheme. Without your personal information we would be unable to do this, therefore there is a contractual and legal reason for us to process your data for this purpose.

2.3 Employee Absence information

We have the contractual right to be notified in relation to staff absence and as a result we may require personal and/or sensitive personal information to fulfil our obligations as an employer. This does not impact upon your rights under the Equality Act 2016.

3. For which purposes are your personal data processed?

In accordance with the above, staff members' personal data is used for the following reasons:

- Contractual requirements- to fulfil our obligations to you
- Pre-Employment checks, e.g. Enhanced DBS, Right to work in the UK, References, Qualifications, Health checks.
- Salary and Payroll requirements
- Human Resource requirements e.g. supporting you within your employment
- Pensions requirements
- Occupational Health referrals
- Appraisal
- Training and CPD
- To advise parents and pupils in relation to the names and positions of staff
- On school websites to showcase the school, class or staff achievements
- To provide information in relation to staff workforce census
- To provide information for statutory reports to the Office of National Statistics
- To provide data to inform the Gender pay gap reporting requirements
- To model staffing costs
- To consider Pay awards
- To work with Trades Unions

4. Which data is collected?

The personal data the Academy Trust will collect from the school workforce includes the following:

- Names
- National insurance numbers
- Sensitive personal characteristics such as ethnic group
- Application forms for recruitment processes
- References from employers / character references
- Information in relation to safer recruitment processes
- Documentation and evidence to support Enhanced Disclosure and Barred List checks, S128 checks, Prohibition order from teaching checks.
- Documentation to prove the Right to Work- e.g. UK Passport, UK Birth Certificate and Ni Numbers, Right to Abode certificates
- Information to provide reasonable adjustments should this be declared to us or become known
- Bank details for the payment of salaries/ expenses
- Qualifications and Qualified Teacher and Induction status checks
- Absence information including sick notes
- Appraisal information and documentation
- Information related to training and CPD activities
- Details and information in relation to Human Resources activities

- Your employment contractual terms, length of service, job role and pay rates

The collection of personal information will benefit both the Academy Trust and DfE by:

- Improving the management of workforce data across the sector.
- Enabling the development of a comprehensive picture of the workforce and how it is deployed.
- Meeting the legal requirements expected of an employer
- Providing statutory data including workforce census, ONS, Gender Pay Gap reporting.
- Informing the development of recruitment and retention policies.
- Informing staff development policies
- Allowing better financial modelling and planning.
- Enabling ethnicity and disability monitoring.
- Supporting the work of the school teachers' review body.

5. Will your personal data be sought from third parties?

5.1 Data only obtained by the data subject

Staff members' personal data is only sought from the data subject. No third parties will be contacted to obtain staff members' personal data without the data subject's consent. This would relate to:

- Applications for employment where the data subject signs to agree to us obtaining references;
- Applications for Disclosure and Barring checks, where the data subject consents by commencing the application process with our DBS service provider;
- The completion of employment starter forms where the data subject signs to agree that we may collect and utilise their data for employment purposes including payments and pensions and third- party emergency contacts.

5.2 Data obtained directly from third parties

Staff members' personal data may be obtained and processed from third parties where the law requires the school to do so, e.g. medical records from a GP. The categories of data obtained and processed from third parties include:

- Enhanced Disclosure and Barred List checks, S128 checks, Prohibition order from teaching checks.
- Medical data
- Pension information

Where data is obtained from third parties, the personal data originates from the following sources:

- The National College for Teaching and Leadership (NCTL) maintains the database of all teachers eligible to teach in the maintained sector in England. The database is called the Employer Access Service (<https://www.education.gov.uk/help/contactus/nctl>).
- Primary/ secondary Healthcare-NHS
- Pension authorities- Teachers' Pensions and the Tyne and Wear Pension Scheme
- DBS- Disclosure and Barring Service

6.How is your information shared?

The Academy Trust will not share your personal information with any third parties without your consent, unless the law allows us to do so.

We are required by law, to pass on some personal information to the LA and the DfE and National College of Teaching and Learning. This includes the following:

- School Workforce Census returns to the LA/DfE
- To advise of any reportable misconduct under the prohibition of teaching regulations

7.How long is your data retained for?

Staff members' personal data is retained in line with the Academy Trust's Information Management Policy and as stated in the GDPR Data Protection Policy.

Personal information may be retained for up to 6 years plus the current year depending on the nature of the information. Certain information related to safeguarding may be kept for up to 10 years or normal retirement age, Data relating to some health and safety issues may be retained for 50 years (COSHH, asbestos and radiation linked items). Data will only be retained for as long as is necessary to fulfil the purposes for which it was processed and will not be retained indefinitely.

If you require further information regarding the retention of data, and the periods for which your personal data is held for, please download our Information Management Policy.

8.What are your rights?

As the data subject, you have specific rights to the processing of your data.

You have a legal right to:

- Request access to the personal data that the Academy Trust holds.
- Request that your personal data is amended.
- Request that your personal data is erased.
- Request that the processing of your data is restricted.

Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent.

Staff members also have the right to lodge a complaint with the Information Commissioner's Office (ICO) in relation to how the Academy Trust processes their personal data.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/>

ICO-Telephone: 0303 123 1113

8.How can you find out more information?

If you require further information about how we and/or the DfE store and use your personal data, please visit our website: www.smartacademies.net

The Gov.UK [website](#),

Review the GDPR Data Protection Policy and Information Management Policy available in the staff only log in side of the SMART website. If you need a log on to this, please speak to your School Business Manager.

SMART Multi Academy Trust is an exempt charity and company limited by guarantee registered in England with company number 10257723. The company's registered office is: Wyndham Primary School, Montagu Avenue, Newcastle upon Tyne NE3 4SB.

Privacy Notice Workforce SMART Multi Academy Trust

Declaration

I, **(name of staff member)** , declare that I understand:

- SMART Multi Academy Trust has a legal and legitimate interest to collect and process my personal data in order to meet statutory and contractual requirements;
- there may be significant consequences if I fail to provide the personal data SMART Multi Academy Trust requires;
- SMART Multi Academy Trust may share my data with the DfE, and subsequently the Local Authority;
- SMART Multi Academy Trust will not share my data to any other third parties without my consent, unless the law requires the Academy Trust to do so;
- the nature and personal categories of this data, and where the personal data originates from and where my data is obtained from third parties;
- my data is retained in line with the Academy Trust's Information Management Policy;
- my rights to the processing of my personal data.
- My rights in making a subject access request
- My rights to make a complaint to the Supervisory Authority the ICO

Name of staff member:

Signature of staff member:

Date:

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