



# Whimble Primary School – Staff Privacy Notice

## Privacy Notice (How we use workforce information)

**Whimble Primary School is the Data Controller for the use of personal data in this privacy notice.**

### The categories of school information that we process

These are:

- personal information (such as name, employee or teacher number, national insurance number, address, phone number and email addresses)
- characteristics information (such as gender, age, ethnic group)
- Recruitment information, (such as job application, qualifications, training and education, evidence of your right to work, references)
- contract information (such as start date, hours worked, post, roles and salary information)
- Personnel information (such as appraisal and performance)
- work absence information (such as number of absences and reasons)
- payroll information (such as salary payments, tax codes, pension information)
- next of kin and emergency contacts information
- outcomes of medical questionnaires on commencement of employment
- outcome of your Disclosure and Barring Service (DBS) check and certificate number
- Allegations or concerns about child protection or safety
- Photographs and video recordings of you (such as official school photographs, classwork activities, performances or events, school trips and sports days, and school virtual tour on Whimble Primary School website)
- Your consent preferences

### Why we collect and use workforce information

We use workforce data to:

- Recruit, retain, train, appraise, manage the welfare of and performance of staff
- Enable individuals to be paid, pension contributions made, and tax and NI deducted
- Undertake our responsibilities for safeguarding children
- Provide employee services and benefits (such as childcare vouchers and pensions)
- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Communicate with employees regarding work related matters
- Comply with the law regarding data sharing
- Maintain staff records
- Provide catering, payment, library, ICT, learning and information services
- Assess the quality of our services
- Assist in crime prevention, detection and public safety
- Carry out audits (e.g. to ensure compliance with our legal obligations)
- Deal with complaints, grievances and disciplinary action
- Complete DfE school workforce census
- Administer school trips and activities
- Monitor and comply with our responsibilities under the Equality Act 2010 and make reasonable

adjustments where required

- Safeguard and monitor the health and welfare of our employees
- Ensure staff and student safety and security

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

- To enable us to perform a task which is in the public interest or to exercise our official duties as a school. This broad legal basis is applicable to almost all the processing we do involving personal data.
- For compliance with a legal obligation. This is applicable when a specific law requires us to share or collect personal data, for example sharing data with the Department for Education (DfE), Her Majesty's Revenue and Customs (HMRC) and HM Courts and Tribunal Service
- For being necessary for the performance of a contract. This is applicable when we enter into a contract with you, our employee.
- For the purpose of the staff member giving their consent. Consent is not required for most of the processing we do, however, there are occasions when we ask for consent. Where we are processing your data with your consent, you have the right to withdraw that consent at any time. If you change your mind, or if you are unhappy with our use of your personal data, please let us know by contacting the school office.
- The processing is necessary to protect the vital interests of the staff member or someone else. This is applicable where a person's life could be at risk and we need to share or make available information to help them. This could involve sharing serious allergy information with other staff, paramedics (or other medical professionals), or other information requested by the police or social services, to assist them in their enquiries to protect that person.

In addition, concerning any special category data:

Special category data is personal data which reveals a person's racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic data, biometric data (such as fingerprints), health, sex life or sexual orientation.

The main legal bases we rely on when we process this type of data is as follows:

- The data subject has given explicit consent. This is usually applicable where we ask for health or dietary information.
- The processing is necessary for performing any right or obligation which is imposed on the school in relation to employment, social security and social protection law (e.g. safeguarding individuals at risk; protection against unlawful acts; prevention against fraud)
- It is necessary to protect the vital interests of any person where the data subject is physically or legally incapable of giving consent This could be relied upon in situations where someone has become seriously ill on our premises and we are asked by medical practitioners (such as paramedics), to share information we know about that person's health or allergies.
- The processing is necessary for the establishment, exercise or defence of legal claims. We may share or use special category data where legal action is being considered or underway.

- The processing is necessary in the substantial public interest. This may be relied upon in circumstances where our processing is necessary to safeguard children or others at risk or where we respond to requests from the Police or law enforcement bodies, to assist in an investigation to prevent or detect an unlawful act.
- The processing is necessary for the assessment of the working capacity of the employee This will be applicable where an employee has been absent from work due to illness or injury and we need to assess whether they are fit to return to work. This list is not exhaustive.

## Collecting workforce information

We collect personal information via New Starter forms, application forms, employment contracts, itrent payroll system. Annual data collection checks.

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.

## 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 for a copy from the school office.

## Who we share workforce information with

We routinely share this information with:

- our local authority (where applicable)
- 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. We will only share information about you, where it is strictly necessary for us to do this.

The following are examples of who we share information with:

### 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

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

children and young people with the Department for Education (DfE) for the purpose of those data collections.

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.

## Ofsted

We may be required to support an Ofsted inspection. Records that may be shared could identify an employee. Any personal information the inspector may see will remain on site and will not be used in any of their reports.

## Service Providers

We use companies that provide us with a service to help us run effectively as a school. The services we receive are IT support, professional or legal advice, learning or teaching resources, communication services, catering or transport services. Sometimes we will need to share information with these providers, but only where it is strictly necessary, and only in a safe manner abiding by the Data Protection requirements.

## 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 **Mrs Helen Mitchell, DPO** at [hmitchell@whimpleprimary.co.uk](mailto:hmitchell@whimpleprimary.co.uk).

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' 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 **Mrs Helen Mitchell, DPO at [hmitchell@whimpleprimary.co.uk](mailto:hmitchell@whimpleprimary.co.uk). (01404) 822584.**

## 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 **19<sup>th</sup> January 2021.**

## Contact

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

**Mrs Helen Mitchell**

**Whimple Primary School, School Hill, Whimple, EX5 2TS**

**(01404) 822584**

**[hmitchell@whimpleprimary.co.uk](mailto:hmitchell@whimpleprimary.co.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>