

# Privacy Notice

## Tenax Schools Trust

### Workforce

#### (How we use school workforce information)

This notice explains what personal data (information) we hold about our employees, how we collect, use and retain that data, and how we may share information about you. As a “data controller”, we are regulated under the General Data Protection Regulations (GDPR) and Data Protection Act 2018. We are required to give you this information under data protection law.

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

- personal information (such as name, contact details, employee or teacher number, national insurance number, bank account details)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- payroll information (such as tax code, timesheets, expenses claim details, occupational and statutory sick pay, other statutory and non-statutory payments, membership of pension schemes)
- work absence information (such as number of absences and reasons)
- relevant medical information (such as fitness for employment, allergies, details of disabilities, workplace risk assessments, workplace accident records)
- qualifications (and, where relevant, subjects taught)
- recruitment information, including copies of Right to Work information, references and other pre-employment checks, and other application details including work history, job titles and interview records
- performance management data, including appraisals and training records
- other records of the employment relationship, including disciplinary and grievance records
- photographs, CCTV footage and employee’s digital footprint from use of communication and IT equipment

#### Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- facilitate financial modelling and planning, and financial auditing
- enable sickness monitoring and fulfil the Trust’s duty of care towards employees

- enable effective performance management and identify training needs
- enable individuals to be paid, and all contractual entitlements to be fulfilled
- fulfill statutory obligations under legislation including: the Equality Act 2010, Keeping Children Safe in Education (KCSIE), Safeguarding Vulnerable Groups Act 2006, Health and Safety at Work Act 1974 and associated regulations, Equality Act (Gender Pay Gap Information) Regulations 2017, Education (Health Standards) (England) Regulations 2003, Immigration, Asylum and Nationality Act 2006, Immigration Act 1971, Education and Skills Act 2008

## The lawful basis on which we process this information

We process this information under the following lawful bases:

- Processing the data is necessary for the performance of a contract with an individual, or to take steps before they enter into a contract (e.g. during the recruitment process)
- The processing of the data is necessary for the Trust to comply with the law
- The processing is necessary for the performance of a task in the public interest, or to perform the Trust's official functions
- The processing of data is necessary for our legitimate interests, such as monitoring the effectiveness of our employment policies and procedures.

Where the Trust also processes special category (sensitive) data, the Trust processes this where:

- Processing the data is necessary to carry out the obligations of the Trust in relation to employment law
- There is a substantial public interest, for example to ensure and promote equality of opportunity and treatment
- Processing the data is necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee

The Trust may also process data for the establishment, exercise or defence of legal claims.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to the Trust on a voluntary basis. In order to comply with data protection legislation, the Trust will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this. Where you have a choice, you may withdraw your consent for the Trust to process or retain the information at any time.

## Storing this information

The Trust holds workforce data in line with its Record Retention Schedule.

## Who we share this information with

We routinely share this information with:

- our payroll provider/s and personnel service providers
- Trust auditors

- Contracted providers of services, including training providers, catering providers, school photographers and Occupational Health service providers
- Professional bodies, trade unions and associations
- Schools in local collaborations to support professional development and collaborative working
- the Local Authority
- the Department for Education (DfE) and regulatory bodies such as Ofsted

We may also share information with law enforcement agencies or Local Authority Child Protection services, where require by law, for the prevention and detection of crime, or required to safeguard children, young people or other vulnerable groups.

## 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.

### Our payroll provider

We are required to share information about salaries, expenses, and periods of paid and unpaid leave with our payroll provider to ensure that our workforce is paid accurately and on time.

### 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 (DfE)

We are required to share information about our workforce with the DfE under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. This data sharing underpins workforce policy monitoring, evaluation and links to school funding/expenditure and the assessment of educational attainment.

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>

## Keeping your personal information safe

The Trust has appropriate security measures in place to prevent personal information being accidentally lost, or used or accessed in an unauthorised way. The Trust limits access to personal information to those individuals with a genuine business need to know it.

Those processing personal data will do so only in an authorised manner, and subject to a duty of confidentiality.

The Trust has procedures in place to deal with any suspected data security breach. The Trust will notify affected individuals, and any applicable regulator (such as the Information Commissioners' Office), of a suspected data security breach, where we are legally required to do so.

## Transferring data internationally

Where the Trust transfers data to a country or territory outside of the European Economic Area, it will do so in accordance with data protection law. Data transferred to countries within the European Economic Area are subject to the same General Data Protection Regulations as the UK.

## Your rights

Under the GDPR you have rights which you can exercise free of charge which allow you to:

- Know what we are going with your information and why we are doing it
- Ask to see what information we hold about you (Subject Access Request)
- Ask the Trust to correct any information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office, including making a claim for damages in the event of a data protection breach. The Information Commissioner may be contacted at <https://ico.org.uk/concerns> or by telephone on 03031 231113
- Withdraw consent for processing or retaining data (if applicable)

Depending on our reason for processing or retaining your data, you may also be entitled to:

- Ask the Trust to correct inaccurate information, or to block, erase or destroy the information it holds about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made by automated means

- Object to how the Trust is using your information
- Stop the Trust from using your information in certain ways

The Trust will always seek to comply with an employee's request, however the Trust may be required to process or retain your data in to comply with legal duties. Please note, that your request may cause a delay, or prevent the Trust, from delivering a service to you.

Further information about individuals' rights, including the circumstances in which they apply, can be found in guidance from the UK Information Commissioners Office (ICO), under the General Data Protection Regulations.

## **Requesting access to your personal data**

To make a request for personal information, or to discuss anything in this privacy notice please contact our Data Protection Officer, Mrs Catherine Dottridge, Chief Finance Officer, by email: [DPO@tenaxschoolstrust.co.uk](mailto:DPO@tenaxschoolstrust.co.uk)

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/>

8 July 2021