

GDPR PRIVACY NOTICE - EMPLOYEES

THIS POLICY APPLIES TO THE HOPE TRUST BOARD, ALL TRUST SCHOOLS AND THE HOPE TEACHER TRAINING PARTNERSHIP

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Statement of Intent

Hope Learning Trust York (HLTY) and the schools/academies within the Trust are the data controllers of the personal information you provide to us. This means we determine the purposes for which, and the manner in which, any personal data relating to staff is to be processed.

The designated Data Protection representative at the school/academy oversees the day-to-day security of your data. **Wendy Munro** is the **HLTY's Data Protection Officer (DPO)**. The **DPO** oversees and monitor the school's data processing practices. The **DPO** can be contacted on **01904 560053** or **dpo@hopelearningtrust.org**.

Where necessary, third parties may be responsible for processing staff members' 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 and freedoms under General Data Protection Regulations (GDPR).

1. Which data is collected?

The personal data the Trust and/or school/academy will collect from employees includes the following:

- Personal information (e.g. name, employee and/or teacher number, National Insurance number, address and contact details) *
- Special categories of data including characteristics information (e.g. gender, age, ethnicity)
- Contract information (e.g. start dates, hours worked, post, roles and salary information, changes to contract)
- Work absence information (e.g. number of absences and reasons, timesheets, sick pay, maternity/paternity leave, Dependant Care Leave)
- Qualifications (and, where relevant, subjects taught)
- Medical information (where appropriate)
- Next of kin details *
- Pre-employment vetting including DBS checks
- Photographs for Identity badges

The collection of personal information will benefit both the DfE and **HLTY** 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.
- Informing the development of recruitment and retention policies.
- Allowing better financial modelling and planning.
- Enabling ethnicity and disability monitoring.
- Supporting the work of the school teachers' review body.

* It is the responsibility of the employee to inform the school/academy/Trust immediately of any changes in personal information to ensure their employee file is updated.

2. Why we collect and use this information

HLTY has the legal requirement to collect and process personal data relating to those we employ to work at the Trust, one of the Trust schools/academies, or those otherwise contracted to work for **HLTY**. We process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law, including those in relation to the following:

- Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014 Financial Regulations
- DBS Regulations
- Employment Law
- Immigration Law
- Safer Recruitment Law
- Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) revised 1999, (SI 1999/567)
- Statutory School Census information - Section 537A of the Education Act 1996
- Education Act 2005 (Sections 113 and 114)
- Academy Funding Agreement
- Academy's legal framework

- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

Employee data is used to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- provide School Census information

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

Employment checks

- Failure to provide the school with ample proof of a right to work in the UK will prevent employment at the Trust/school/academy.
- Employees found to be working illegally could face prosecution by law enforcement officers.

Salary requirements

- Failure to provide accurate tax codes and/or national insurance numbers could lead to issues of delayed payments or an employee paying too much tax.

Contractual requirements

- Details contained within a contract of employment must be signed and retained by the Trust/school/academy throughout the duration of the contract.

3. 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.

4. Data Retention Policy

How long is your data retained for?

Staff members' personal data is retained in line with guidelines listed in Section 2, and according to the [HLTY Data Retention Schedule](#) which can be found at [Appendix A](#) in the [HLTY Data Protection Policy](#).

Data will only be retained for as long as is necessary to fulfil the purposes for which it was collected and will not be retained indefinitely.

If you require further information regarding retention of data, and the periods for which your personal data is held for, please download the [HLTY Data Protection Policy](#).

5. Who we share this information with

Will your personal data be sought from third parties?

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.

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:

- References of employment (Referee provided by employee on application)
- DBS checks (Vacancies within schools always subject to enhanced DBS checks, as advised on job advertisement. Permission to carry out check provided by employee)
- Medical records - Obtained from GP or other Healthcare providers with consent from employee

How is your information shared?

HLTY will not share your personal information with any third parties without your consent, unless the law requires us to do so.

The Trust/school/academy is required, by law, to pass on some personal information. This includes the following:

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.

Payroll and Pensions information for **HLTY** are processed by the LA.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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 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 employee 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>

6. Subject Access Requests

What are your rights?

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

You have a legal right (subject to conditions contained within Articles 17 and Recital 63 of GDPR) to:

- Request access to the personal data that **HLTY** holds in the form of a Subject Access Request.
- Request that your personal data is amended.
- Request that your personal data is erased
- Request that the processing of your data is restricted.

For further information, refer to [HLTY Subject Access Request Policy and Procedures](#). 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.

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. If you are unsatisfied with the outcome, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

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.hopelearningtrust.org, the Gov.UK [website](#), or download our [HLTY Data Protection Policy](#) and [HLTY Data Retention Schedule](#).

7. Further information

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

Wendy Munro, Data Protection Officer

Telephone: 01904 560053

email: dpo@hopelearningtrust.org

CONSENT FORM – Employees

<i>Please tick the appropriate boxes</i>	Yes	No
I agree to my name being published on the Hope Learning Trust York and /or school/academy website, staff lists displayed in school and for any other legitimate purpose within the work context.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to my photograph being published on the Hope Learning Trust York and/or school/academy website.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to my name being published with my photograph on the HLTY/school/academy website.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to my photograph being published on Social Media.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to my photograph being used in brochures and/or marketing literature.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to my name being published with my photograph in brochures and/or marketing literature.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to videos taken during events at the school/academy to be used on social media and/or Trust/school/academy websites.	<input type="checkbox"/>	<input type="checkbox"/>
I understand that consent for this is voluntary and I may withdraw my consent at any time.	<input type="checkbox"/>	<input type="checkbox"/>
I understand no additional personal details (such as phone number and address) will be published.	<input type="checkbox"/>	<input type="checkbox"/>
I agree that, in my role at the Trust/School/Academy it may be appropriate to publish a contact work email address with my name.	<input type="checkbox"/>	<input type="checkbox"/>

Name of Employee [printed]

Signature

Date

If you wish to withdraw your consent at any time, write to your normal place of work.

For further information please contact Wendy Munro, DPO at Hope Learning Trust York, on 01904 560053 or email dpo@hopelearningtrust.org