



South East Cornwall Multi Academy Regional Trust

Dobwalls Primary School, Landulph Primary School, Liskeard School and Community College, Looe Community Academy, saltash.net Community School, and Trewidland Primary School and Pre-School

Privacy Notice for our Staff (includes employees, agency workers, contractors, governors, trustees, directors, members and volunteers)

About us

We, at SMART, are a data controller for the purposes of the General Data Protection Regulation (GDPR). This means that we are responsible for deciding how we hold and use personal information about you. We are required, under data protection legislation, to tell you what information we hold about you, why we hold it, how we use it and to tell you about your rights.

This notice applies to current and former employees, agency workers, contractors, governors, trustees, directors, members and volunteers.

This notice does not form part of any contract of employment or other contract to provide services.

We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

We will comply with data protection law.

This says that the personal information we hold about you must be:

- used lawfully, fairly and in a transparent way;
- collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date;
- kept only as long as necessary for the purposes we have told you about;
- kept securely.

The kind of information that we collect, process, hold and share

This will include the relevant personal information and may also include certain special category information of a more sensitive nature:

- personal identifiers (such as, but not limited to, name, address, contact details, employee number, teacher number and national insurance number);
- characteristics (such as, but not limited to, gender, race or ethnicity, religious beliefs, sexual orientation and political opinions and nationality);
- employment particulars (such as, but not limited to, work history, start date, end date, working hours, post, roles, job title, professional membership, salary information and pension scheme details);
- information about your health, medical and medical administration (such as, but not limited to, fit notes, health assessments, occupational health referrals, disability, accident reports, medical conditions, health and sickness records);
- attendance and absence information (such as, but not limited to, signing in sheets, additional time worked, number of absences, absence dates and reasons);
- qualifications and training (such as, but not limited to, formal qualifications, training records and subjects taught);
- photograph (for identification purposes);

- marital status and dependants;
- next of kin and emergency contact information;
- bank account details, payroll records and tax status information;
- location of employment or workplace;
- driving licence details;
- vehicle insurance;
- recruitment information (such as, but not limited to, Disclosure and Barring Service information, right to work documentation, references and other information included in a CV or cover letter or as part of the application process);
- performance and appraisal information;
- disciplinary and grievance information;
- CCTV footage and other information obtained through electronic means (such as, but not limited to, swipe card records, catering purchases);
- information about your use of our information and communications systems;
- out of school activity information (such as, but not limited to, passport and European Health Insurance Card).
- Trade Union membership;
- biometric-related information (certain Academies use finger recognition systems; please note that fingerprints are not processed);
- information about criminal convictions and offences.

Why we collect and use this information

We will only use your personal information when the law allows us to.

Most commonly, we will use your personal information in the following circumstances, to:

- administer the contract we have entered into with you;
- pay you, if you are an employee, and deduct tax and National Insurance contributions;
- liaise with your pension provider;
- determine the terms on which you work for us;
- check you are legally entitled to work in the UK;
- safeguard children and young people and other vulnerable groups;
- conduct performance reviews, manage performance and determine performance requirements;
- make decisions about salary reviews and compensation;
- provide education, training and development opportunities;
- enable the development of a comprehensive picture of the workforce and how it is deployed;
- inform the development of recruitment and retention policies and to make decisions on recruitment, appointments and promotions;
- manage and plan for the Trust, including accounting and auditing;
- assess qualifications for a particular job or task, including decisions about promotions;
- gather evidence for possible grievance or disciplinary hearings;
- deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
- ascertain your fitness to work and make reasonable adjustments under disability discrimination legislation;
- manage your sickness absence;
- comply with health and safety obligations and manage your wellbeing;
- prevent and detect fraud;
- ensure your suitability to drive on behalf of the Trust;
- make decisions about your continued employment or engagement;
- make arrangements for the termination of our working relationship;
- provide effective Trust governance;
- monitor your use of our information and communication systems to ensure compliance with our IT policies;

- ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution;
- conduct data analytics studies to review and better understand employee retention and attrition rates;
- allow workforce equality monitoring;
- to provide an efficient dining service.

We will use your particularly sensitive personal information in the following ways:

- we will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws;
- we will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- we will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equality monitoring and reporting;
- we will use Trade Union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations;
- we will use information about criminal convictions and offences to inform our decisions about your suitability for employment, or continued employment, including in relation to our statutory duty to safeguard children and young people and other vulnerable groups.

The lawful basis on which we process this information

We will only use your personal information when the law allows us to.

Most commonly, we will use your personal information in the following circumstances:

- where we need to perform the contract we have entered into with you;
- where we need to comply with a legal obligation;
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;
- where we need to protect your interests or vital interests (or someone else's);
- where it is needed in the public interest;
- to perform our public task.

Collecting this information

We typically collect personal information about employees, agency workers, contractors, governors, trustees, directors, members and volunteers through the application, recruitment and selection processes, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us, whether your work is paid or provided on a voluntary basis.

While 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 information to us or if you have a choice in this.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from

complying with our legal obligations (such as to ensure the health, safety and wellbeing of our workers) or from fulfilling our public duty.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Retention of your information

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements.

Details of retention periods for different aspects of your personal information are available in our retention policy which is available in our Data Management policy, which can be found on our website.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Once you are no longer an employee, agency worker, contractor, governor, trustee, director, member or volunteer of the Trust we will retain and securely destroy your personal information in accordance with our data retention policy or any applicable laws and regulations.

We will hold your personnel file for a period of 6 years from the date on which your employment with the Trust ended.

Who we share this information with

We routinely share this information with the following third parties:

- our Local Authority;
- the Department for Education (DfE);
- our HR providers;
- our payroll provider;
- our pensions administrators.

We share specific, relevant elements of workforce information with:

- selected educational support providers that improve the quality of education or the efficiency of our provision;
- our legal advisors;
- our insurers;
- online payments providers;
- cashless catering systems;
- our occupational health advisors.

In addition, we also use third party software systems or service providers to host, but not process or access, our workforce data:

- information management systems;
- safeguarding management and reporting systems.

Why we share school workforce information

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

For example:

- 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;
- 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 and expenditure and the assessment of educational attainment;

All our third-party service providers and other entities within the Trust are required to take appropriate security measures to protect your personal information in line with our policies.

We do not allow our third-party service providers to use your personal data for their own purposes.

We only permit them to process your personal data for specified purposes and in accordance with our instructions.

Should we need to transfer your personal information outside the EU, you can expect a similar degree of protection in respect of your personal information.

Requesting access to your personal data

You have the right to request access to the information that we hold relating to you.

To make a request for your personal information, contact the Trust's Data Protection Officer.

Your data rights

You have the right to:

- object to processing of personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, restricted, erased or destroyed;
- request the transfer of your information to another party;
- seek redress for any breach of data protection legislation.

Concerns

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>

Data security

We have put in place measures to protect the security of your information.

Details of these measures are contained in our Data Protection policy.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially, to keep it secure and to be compliant with the prevailing data protection legislation.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a genuine need to know.

They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data Protection Officer

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice.

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

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

SMART DPO - Steve Green - 01503 262625 - sgreen@looe.cornwall.sch.uk

Annex:

A. How Government uses your data.

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.

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and the Local Authority collects and processes personal data relating to those that work in state funded schools (including academies). 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 DfE 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 DfE 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;
- the arrangements in place to securely store and handle the data.

To be granted access to your information, organisations must comply with the DfE's 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>