



BERLESDUNA
ACADEMY TRUST

Privacy Notice for the School Workforce

This Privacy Notice was reviewed by Trustees:	6th December 2023
This Privacy Notice will be reviewed:	Annually
This Privacy Notice will be reviewed on or before:	December 2024

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1. Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **individuals we employ, or who otherwise engage to work at our school.**

Our Trust, Berlesduna Academy Trust, School House, Basildon, Essex, SS14 2EX, is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Lisa Perry (see 'Contact us' below).

2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- > Personal information (such as name, address and contact details, employee or teacher number, details of your bank, national insurance number, information about your marital status, next of kin and emergency contacts)
- > Contract information (such as start dates, terms and conditions of your employment, hours worked, post, roles and salary information, information about entitlement to benefits such as pensions, information about your nationality and the entitlement to work in the UK)
- > Work absence information (such as number of absences and reasons)
- > Qualifications (such as skills, experience and employment history, where relevant, subjects taught)
- > Information about your criminal record.
- > Details of any disciplinary or grievance procedures in which you have been involved (such as any warnings issued to you and related correspondence)
- > Assessments of your performance (such as appraisals, performance reviews and ratings, performance improvement plans and related correspondence)
- > Information about medical or health conditions (such as whether or not you have a disability for which the organisation needs to make reasonable adjustments)

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- > Special categories of data including characteristics information (such as gender, age, ethnic group)
- > Sickness records
- > Photographs and CCTV images captured in school
- > Information about medical or health conditions (such as whether or not you have a disability for which the organisation needs to make reasonable adjustments)
- > Information about trade union membership

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

3. Why we use this data

We use the data listed above 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
- > Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights.
- > Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace.
- > Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes.
- > Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled
- > Obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled.
- > Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the Berlesduna Academy Trust complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled.
- > Ensure effective general HR and business administration.
- > Provide references on request for current or former employees.
- > Respond to and defend against legal claims.
- > Maintain and promote equality in the workplace.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

3.2 Use of your personal data in automated decision making and profiling

We do not currently process any staff members' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

4. Our lawful basis for using this data

We process this information under the following UK General Data Protection Articles:

6.1(b) Processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

6.1(c) Processing is necessary for compliance with a legal obligation to which the controller is subject For example: The Health and Safety at Work Act, Equality Act 2010, The Disability Discrimination Act.

6.1(e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. For example: The Education Act requires the collection of workforce data for the purpose of Departmental Census. Working together to Safeguard Children Guidelines (DfE).

9.2 (b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- > We have obtained your explicit consent to use your personal data in a certain way
- > We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- > We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- > The data concerned has already been made manifestly public by you
- > We need to process it for the establishment, exercise or defence of legal claims
- > We need to process it for reasons of substantial public interest as defined in legislation
- > We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- > We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- > We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- > We have obtained your consent to use it in a specific way
- > We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- > The data concerned has already been made manifestly public by you
- > We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- > We need to process it for reasons of substantial public interest as defined in legislation

5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

We collect personal information in a variety of ways. For example, data might be collected through application forms or CVs; obtained from your passport or other identity documents such as your driving license; from forms completed by you at the start of or during employment; from correspondence with you; or through interviews, meetings or other assessment.

In some cases, we may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law.

Workforce data is essential for the school's/local authority's operational use.

6. How we store this data

We keep personal information about you while you work at our school. We may also keep it beyond your employment at our school if this is necessary. Our records management policy sets out how long we keep information about staff.

A copy of our records management policy is available on our Trust website or by contacting our Data Protection Officer.

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.

We will dispose of your personal data securely when we no longer need it.

7. Who we share data with

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- > Our local authority Essex County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- > Government departments or agencies, including the Department for Education (DfE)
- > Our regulator, Ofsted
- > Suppliers and service providers
- > Financial organisations
- > Our auditors
- > Survey and research organisations
- > Health authorities
- > Security organisations
- > Health and social welfare organisations
- > Professional advisers and consultants
- > Charities and voluntary organisations

- > Police forces, courts or tribunals

7.1 Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies:

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- > Give you a description of it
- > Tell you why we are holding and processing it, and how long we will keep it for
- > Explain where we got it from, if not from you
- > Tell you who it has been, or will be, shared with
- > Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- > Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

8.2 Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- > Object to our use of your personal data
- > Prevent your data being used to send direct marketing
- > Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- > In certain circumstances, have inaccurate personal data corrected
- > In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- > Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- > In certain circumstances, be notified of a data breach
- > Make a complaint to the Information Commissioner's Office

- > Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- > Report a concern online at <https://ico.org.uk/make-a-complaint/>
- > Call 0303 123 1113
- > Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

10. Contact us

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

Lisa Perry,
Berlesduna Academy Trust,
School House,
Church Road,
Basildon,
Essex,
SS14 2EX.

Email: lisaperry@berlesduna.co.uk