



# **St Mary's Academy Trust**

## **Privacy Notice for Staff**

**Last Updated:** 25<sup>th</sup> July 2024

**Date to be Reviewed:** 25<sup>th</sup> July 2025

## **1. Scope**

- 1.1 Under UK data protection law, individuals have a right to be informed about how the Trust uses any personal data they hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.
- 1.2 This privacy notice explains how we collect, store, and use personal data about individuals we employ, or otherwise engage, to work at our Trust.
- 1.3 **Our Data Protection Officer is Jo Hudson – Head of HR, Data, and Projects and can be contacted by email at, [J.Hudson@smat.org.uk](mailto:J.Hudson@smat.org.uk), or by telephone on, 01226 282721.**

## **2. Responsibilities**

- 2.1 Our Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to the Trust collecting and processing their personal data.
- 2.2 The manager is responsible for ensuring that this notice is drawn to the data subject's attention and where necessary, their consent to the processing of their data is secured.
- 2.3 The personal data collected is essential for the Trust and its schools to fulfil its official functions and meet legal requirements (refer to 5.1).

## **3. Personal Data We Hold About You**

- 3.1 We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store, and share (when appropriate) about you includes, but is not restricted to, the following – see the table below.

<b><u>Personal Data Type</u></b>	<b><u>Source</u></b>  (Where the Trust has obtained the personal data from if it has not been collected directly from you, the data subject).  <b>Note:</b> if the personal data has been accessed from publicly accessible sources.
<ul style="list-style-type: none"> <li>• Contact details</li> <li>• Date of birth, marital status, and gender</li> <li>• Next of kin and emergency contact numbers</li> <li>• Salary, annual leave, pension, and benefits information</li> <li>• Bank account details, payroll records National Insurance number, and tax status information</li> <li>• Recruitment information, including copies of right to work documentation, references and other information included in an application form and covering letter as part of the application process</li> <li>• Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships</li> <li>• Performance information</li> <li>• Outcomes of any disciplinary and/or grievance procedures</li> <li>• Absence data</li> <li>• Driving licence number, vehicle details, motor insurance certificate and MOT &amp; Tax details</li> <li>• Photographs</li> <li>• CCTV footage</li> <li>• Data about your use of the school's information and communications system</li> <li>• Video footage</li> </ul>	<ul style="list-style-type: none"> <li>• Pension information from Teachers' Pensions or LGPS provider</li> <li>• Tax code information from HMRC</li> <li>• References from referees</li> <li>• MOT and tax details available publicly on gov.uk website</li> </ul>
<b><u>Special Categories of Sensitive Personal Data</u></b>	
<ul style="list-style-type: none"> <li>• Race, ethnicity, religious beliefs, sexual orientation, and political opinions</li> <li>• Trade union membership</li> <li>• Health, including any medical conditions, and sickness records</li> </ul>	<ul style="list-style-type: none"> <li>• External OHU provider</li> <li>• Previous employer for sickness records</li> </ul>

#### 4. Why We Use this Data

4.1 The purpose of processing this data is to help us run the school and meet our legal obligations, including to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Monitor our recruitment and retention policies
- Allow financial modelling and planning
- Administer admissions waiting lists
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the Trust
- Support the work of the School Teachers Review Body
- Ensuring we can keep all our premises safe and secure, and taking measures to prevent and detect crime; this involves capturing images of you in our CCTV system
- Monitoring use of IT services to ensure adherence to the Trust's Acceptable Use Policy
- Manage attendance
- Enable the development of a comprehensive picture of the workforce and how it is deployed

4.2 For purposes of disciplinary, we reserve the right to monitor personal accounts through access and viewing them in instances of alleged misconduct; notice will be given of our intention to access this data.

#### 5. Data Sharing

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

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

- Our Local authority – *to meet our legal obligations to share certain information with it such as safeguarding concerns and information about headteacher performance and staff dismissals*
- The Department for Education – *to meet our legal obligations to share information linked to performance data*
- Your emergency contacts or representatives – *to carry out our public task in the event of an emergency*
- Other staff members – *to carry out our public tasks, for example having access to your school email address so that information can be shared effectively*
- Ofsted – *to comply with our public task and as part of their mandatory inspections*
- Suppliers and service providers – *to enable them to provide the service we have contracted them for, such as payroll*

- Central and local government – *to complete the legal obligation for things such as the workforce census*
- Our Auditors – *coming under a legal obligation, The Trust may be asked from auditors about financial information related to schools*
- Survey and research organisations – *to meet our legal obligations in relation to ‘freedom of information’ requests*
- Trade unions and staff associations – *to carry out our public tasks in light of any key discussions within school linked to disciplinary/capability procedures or for events such as redundancy*
- Security Organisations – *to keep our Trust secure and under the lawful basis of public task, we pass on certain staff member information so that they can be contacted if necessary*
- Health and social welfare organisations – *to carry out our public tasks in line with our attendance management policy with organisations such as occupational health*
- Police force, courts, and tribunals – *to meet our legal obligations to share certain information with it, such as safeguarding concerns or to carry out public task in relation to a tribunal*
- Employment and recruitment agencies – *to meet the public task of supplying requested references*
- Professional Bodies – *to provide support, education and networking opportunities*
- Governors/Trustees – *to carry out our public task within the school and remain accountable to them for finance and personnel issues*
- Information System Providers, e.g., Management Information Systems, Virtual Learning Environments and Third-Party e-learning Applications, Catering Services Systems – *to carry out our public tasks in line with our policies*
- Our insurance providers – *to legally cover the Trust*
- HCAT – *to enable HCAT to support SMAT in all business undertakings and the CEO to carry out the role of Off Payroll Accounting Officer*

## **6. Transferring Data Internationally**

- 6.1 A small number of data processors used by us are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by the schools to further pupil’s learning. Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.
- 6.2 Whenever we transfer your personal data out of the UK, we will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
- A) We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission or Secretary of State.

- B) Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in UK.

## **7. Our Legal Basis for Using This Data**

7.1 We only collect and use your personal data when the law allows us to. Most commonly we process it where we need to:

- Fulfil a contractual obligation
- Comply with a legal obligation
- Carry out a task in the public interest

7.2 Less commonly we may also process your personal data in situations where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)
- To pursue a legitimate interest – for example, where:
  - You have applied for another position and references are required as part of safer recruitment
  - Your marital status has changed, and we are obliged to inform the Government Office about this

### **7.3 Legitimate Interests**

7.3.1 As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.

7.3.2 Where you have provided us with consent to use your data, you may withdraw this at any time. You can withdraw your consent in writing to the Headteacher.

7.3.3 Some of the reasons listed above for collecting your personal data overlap and there may be several grounds which justify our use of this data.

7.4 Of the lawful bases available to us, those we are mostly likely to rely on in relation to staff data are the following:

7.4.1 Processing is necessary for us to carry out our obligations or exercise our (or your) rights under employment, social security, and social protection law.

This would apply when, for example, we:

- Keep a record of reasonable adjustments for a disability to allow us to meet our obligations under the Equality Act
- Ensure that you are physically fit to work in a particular role
- Set up a voluntary salary deductions to a trade union

7.4.2 Processing is necessary for purposes of preventive or occupational medicine and to assess your working capacity as an employee.

- This would apply when we obtain advice from medical professionals for Occupational Health with regards to adjusting your working practices due to a health condition.

7.4.3 Processing is necessary to protect your life or someone else's.

- We will rely on this basis on rare occasions when we cannot reasonably get your consent for whatever reason.

7.4.4 Processing is necessary for statistical purposes where this is based on UK law, respects your right to data protection and where measures are taken to safeguard your rights and freedoms, such as through the collection of minimal data.

This includes compiling statistics for equal opportunity initiatives.

- Processing is necessary for the establishment, exercise, or defence of legal claims against the Trust.
- We have asked for and received your explicit consent to process your data for a specific purpose.

## **8. Collecting this Information**

8.1 While most of the information we collect about you is compulsory, there is some information that you can choose whether to provide to us.

8.2 Whenever we seek to collect information from you, we make it clear whether providing it is compulsory or optional. If it is compulsory, we will explain the possible consequences of not complying.

8.3 Much of this data we will have asked you to provide to us directly when you started your employment. Alternatively, we may have asked you for it during your employment, or you may have provided it to us independently for us to help you with something.

8.4 If we do not receive information directly from you, we might receive it from third parties, such as:

- HM Revenue and Customs (HMRC)
- Pensions Scheme Providers
- Disclosure and Barring Service

- Occupational Health
- Individuals or Organisations that you named as a referee

## **9. How We Store this Data**

- 9.1 We create and maintain an electronic personal file for each staff member and also store information on a HR Data system. The information contained in this file and on the HR Data system is kept secure with restricted access and is only use for purposes directly relevant to your employment.
- 9.2 Once your employment with us has ended we will retain this file for a further 6 years in accordance with the Trust's retention schedule.
- 9.3 The retention schedule is on the Trust's website.

## **10. Your Rights Regarding Personal Data**

- 10.1 You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.
- 10.2 Your rights as a data subject:
- Individuals have a right to make a subject access request to gain access to personal information that we hold about you
  - The right to be informed: Individuals have the right to be informed about the collection and use of their personal data
  - The right of access: Individuals have the right to access their personal data
  - The right to rectification: Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete
  - The right to erasure: Individuals have the right to have personal data erased (also known as the right to be forgotten)
  - The right to restrict processing: Individuals have the right to request the restriction or suppression of their personal data in certain circumstances
  - The right to data portability: This right allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability
  - The right to object: individuals have the right to object to the processing of their personal data in certain circumstances and an absolute right to stop their data being used for direct marketing
  - Rights in relation to automated decision making and profiling: Automated individual decision making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual) are restricted
- 10.3 All the above requests will be forwarded on should there be a third party involved in the processing of your data.



10.4 If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long it will be kept 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
- Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances

10.5 We have a separate Subject Access Request policy, please refer to this for details on how to make a subject access request.

10.6 If you would like to make a request, please contact our Data Protection Officer – Jo Hudson on 01226 282721 who will oversee the collation of this information by the school.

## **11. Other Rights**

11.1 Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine rather than by a person)
- Have inaccurate personal data corrected, deleted, or destroyed and in certain circumstances restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations
- In the limited circumstances where you have provided your consent to the collection, processing, and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. We will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law

11.2 To exercise any of these rights, please contact our Data Protection Officer, Jo Hudson on 01226 282721

## **12. Complaints**

- 12.1 We take any complaints about our collection and use of personal information very seriously.
- 12.2 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.
- 12.3 To make a complaint, please contact our Data Protection Officer, Jo Hudson – 01226 282721.
- 12.4 Alternatively you can make a complaint to the Information Commissioner's Office as follows:
  - Report a concern online at <https://ico.org.uk/concerns/>
  - Call 0303 123 1113
  - Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **13. How the Government Uses your Data**

- 13.1 The workforce data that we lawfully share with the Department for Education through data collections:
  - Informs the Department for Education 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
- 13.2 Data Collection Requirements
  - 13.2.1 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>
  - 13.2.2 The Department for Education collects personal data from educational setting and local authorities via various statutory data collections. We are required to share information about our school employees with the Department for Education under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### 13.3 Sharing by the Department for Education

13.3.1 The Department for Education may share information about school employees with third parties who promote the education or wellbeing of children or the effective deployment of school staff in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice, or guidance

13.3.2 The Department for Education 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 the Department for Education 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 security of data requested; and
- The arrangements in place to securely store and handling of the data

13.3.3 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.

### 13.4 How to find out what personal information the Department for Education hold about you

13.4.1 Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education:

- If they are processing your personal data
- For a description of the data they hold about you
- The reasons for they are holding it and any recipient it may be disclosed to
- For a copy of your personal data and any details of its source

13.4.2 If you want to see the personal data held about you by the Department for Education, you should make a subject access request. Further information on how to do this can be found within the Department for Education's personal information charter that is published at the address below

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

13.4.3 To contact the Department for Education, please use the link below:

<https://www.gov.uk/contact-dfe>