Fairhaven CE VA Primary School

Employee Data Privacy Notice

[Version v3.3]

If you are reading a printed version of this document, you should check the Information Management pages on the school website to ensure that you have the most up-to-date version.

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

Data Protection Officer: **Data Protection Education Ltd**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation please contact the school office: **office@southwalshamfairhaven.norfolk.sch.uk**

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Purpose of this document

Fairhaven CE VA Primary School is a data controller, and this document describes the workforce data that is collected and how it is processed. As a controller, we are responsible for deciding what data is collected and how it is processed.

This notice covers job applicants, successful and unsuccessful candidates, current and former employees, and agency or temporary workers where we process their information. Recruitment information is used to assess suitability, arrange interviews, make appointments and complete safer-recruitment checks.

Under the Data Protection Act 2018 and the UKGDPR, we must abide by the principle of transparency and the right of data subjects to be informed about how their data is processed.

This document provides such information. It will be updated occasionally, and updates will be communicated to the relevant data subjects.

It is your duty to inform us of changes.

The categories of school information that we collect and process include the following:

In the course of recruitment and employment in our organisation, we collect personal

information directly from you and, where relevant, from the sources described below:

- personal information such as name, employee or teacher number, national insurance number, date of birth, nationality, marital status, gender, address and contact details (home phone number, personal email address), emergency contact / next of kin;
- contractual and employment information (such as start date, hours worked, post, roles and salary information); work absence information (such as number of absences and reasons);
- Characteristics information such as gender, age;
- disciplinary/grievance/complaint records;
- work absence information such as number of absences and reasons;
- employee and teacher numbers;
- qualifications and skills (and, where relevant, subjects taught), safeguarding status, first aid qualifications), right to work information (passport, visa, indefinite leave to remain) ;
- photographic and interactive media;
- criminal record data (if it exists during pre-employment checks, including via the Disclosure and Barring Service), prohibition order check results, childcare disqualification check results;

- Recruitment and applicant information, including application forms, CVs, employment history, references, interview and assessment records, qualifications, recruitment correspondence and the results of relevant identity, eligibility and suitability checks;
- special category data such as racial/ethnic group, religion, trade union membership (and payroll deductions made), sexual orientation (if raised in discrimination issues);
- health data such as occupational health referrals and associated data, pre-employment medicals, disabilities, access to work assessments and associated data; and

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;
- enable individuals to be paid;
- to calculate pension payments and any other salary calculations (such as sick pay or maternity pay);
- facilitate safer recruitment;
- ensure effective performance management;
- to support safeguarding, wellbeing and safer working practices;
- to meet statutory safeguarding and child welfare obligations;
- to maintain cyber security, information security and service resilience;
- to support secure and effective use of educational technology and digital systems; and
- to investigate complaints, concerns, misconduct, safeguarding or security incidents.

The lawful basis on which we process this information

We collect and process school workforce information:

- under Article 6(1)(e) UK GDPR to perform our official functions (public task);
- under Article 6(1)(b) UK GDPR where necessary to perform your employment contract or take steps at your request before entering into a contract, including assessing your application and arranging contractual pay;
- under Article 6(1)(c) UK GDPR where necessary to meet legal obligations, including tax and National Insurance reporting, right-to-work checks, safeguarding and safer-recruitment requirements;
- for special category data, only where we also meet a condition under Article 9(2) UK GDPR, as explained below;

- under Article 6(1)(e) UK GDPR where necessary for a task in the public interest, such as equal opportunities monitoring, for child protection purposes or where otherwise authorised by law, such as Departmental Censuses as required in the Education Act 1996;
- for statutory payroll reporting, under Article 6(1)(c) UK GDPR, including duties under income tax and social security legislation;
- for DBS checks and other criminal-offence information needed for recruitment or employment, under Article 6(1)(c) UK GDPR where required by law, or Article 6(1)(e) where necessary for our safeguarding public task. Article 10 UK GDPR and section 10(5) of the Data Protection Act 2018 also apply; we rely on Schedule 1, Part 1, paragraph 1 for employment-law obligations and rights, and maintain an Appropriate Policy Document; and
- under Article 6(1)(a) UK GDPR where you have freely given valid consent for a specific purpose.

Legitimate interests

Outside the performance of our public tasks, we may rely on Article 6(1)(f) UK GDPR where processing is necessary for legitimate interests and those interests are not overridden by your interests, rights and freedoms.

This may include:

- network and cyber security;
- prevention and detection of fraud or unauthorised access;
- safeguarding and security monitoring;
- internal administrative and management purposes;
- workforce planning and operational resilience;
- investigating complaints, disciplinary matters or incidents; and
- protecting school/trust systems, property and information.

Where legitimate interests are relied upon, we will ensure processing is necessary, proportionate and appropriately balanced against individual rights.

For activities forming part of our public tasks, including statutory safeguarding, we rely on Article 6(1)(e) or, where a specific legal obligation applies, Article 6(1)(c). Recognised legitimate interest under Article 6(1)(ea) is a separate basis restricted to the purposes in Annex 1; it is not available to public authorities when performing their official tasks.

Automated Decision Making and AI Systems

We may use digital systems, including systems supported by artificial intelligence (AI), to support administrative, safeguarding, recruitment, educational and operational activities.

Any use of AI-assisted systems will be subject to appropriate human oversight and governance. We do not make solely automated decisions about workforce members where those decisions would have a legal or similarly significant effect unless permitted by law and appropriate safeguards are in place.

Examples of AI-supported processing may include:

- document drafting and summarisation;
- safeguarding monitoring support;
- IT and cyber-security monitoring;
- recruitment screening support;
- timetable and workforce planning tools; and
- transcription or accessibility tools.

Where AI or automated tools are used, we will ensure:

- processing is lawful, fair and transparent;
- data minimisation principles are applied;
- appropriate security and confidentiality controls are maintained;
- human review is available where appropriate; and
- any third-party providers act under appropriate contractual controls.

Please note that many of these digital and AI-supported tools include integrated filtering and monitoring features used to maintain cyber security, service resilience, and safeguarding obligations. Further information on the use of AI tools can be found in our AI policy.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind or you are unhappy with our use of your personal data, please let us know by contacting the DPO, whose details are on the front page of this document.

Our basis for processing special category data:

For special category data (sensitive personal information) we only collect and use it when we have both a lawful basis as set out above and one of the following conditions for processing as set out in data protection law:

- under Article 9(2)(b) UK GDPR and Schedule 1, Part 1, paragraph 1 of the Data Protection Act 2018, 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 insofar as it is authorised by domestic law or a collective agreement pursuant to domestic law

providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

- under Article 9(2)(f) UK GDPR, processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; or
- under Article 9(2)(h) UK GDPR and Schedule 1, Part 1, paragraph 2 of the Data Protection Act 2018, for occupational health and assessment of capacity to work, subject to the confidentiality safeguards in Article 9(3).

Where necessary for equality monitoring, we rely on Article 9(2)(g) UK GDPR and Schedule 1, Part 2, paragraph 8 of the Data Protection Act 2018, with an Appropriate Policy Document. Any biometric identification requires the separate condition specified in the optional biometric section above.

Collecting this information

Workforce data is essential for the school's / local authority's operational use. 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 confirm whether you are required to provide certain school workforce information to us or if you have a choice in this.

If you do not provide information needed for payroll, we may be unable to set you up correctly or make accurate and timely payments. If you do not provide evidence needed for right-to-work or mandatory safer-recruitment checks, we may be unable to progress your application, confirm an appointment or allow you to start work. For existing staff, we will explain any effect on your role or continued employment. We will identify the information required and explain the consequences at the point of collection.

During recruitment, we receive information from you and, where relevant, recruitment or employment agencies. Agencies may provide your application, CV, qualifications, work history and confirmation of eligibility and safeguarding checks. Referees and former employers provide references, employment dates and relevant conduct or safeguarding information. The Disclosure and Barring Service (DBS) provides criminal record and, where legally permitted, barred-list information; the Teaching Regulation Agency (TRA) provides teacher status, prohibition and other relevant restriction information. Occupational health providers supply relevant fitness-for-work and adjustment advice, subject to medical confidentiality. We collect only the information needed for the role and the checks that apply.

We use applicant information to shortlist, assess and communicate with candidates, record recruitment decisions and carry out appropriate pre-employment checks. [Where applicable] Shortlisted candidates will be informed of proportionate online searches of publicly available information undertaken as part of safer-recruitment due diligence. Successful applicants' relevant information becomes part of their employment record; unsuccessful applicant records follow the separate recruitment retention period in our retention schedule.

We collect personal information during employment (such as change of personal details forms and other data collection forms, as well as reports made by other parties, which may be kept in your personnel file) as and when required.

CCTV recording and monitoring is in use on-site. Please see the organisational CCTV policy for further details.

Storing this information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please contact the school office.

We maintain technical and organisational security measures including access controls, encryption, monitoring, cyber-security protections and staff training designed to protect personal information against accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access.

Who do we share this information with

We routinely share this information with

- Our local authority;
- The Department for Education (DfE);
- safeguarding partners and multi-agency safeguarding arrangements where required by law;
- software, cloud-hosting and educational technology providers acting on our behalf;
- auditors, insurers, legal advisers and regulators where necessary;
- law enforcement or government agencies where required or permitted by law; and
- Third-party service providers (where a contract exists) in order to fulfil contractual obligations (such as payroll) or where a service is being used in the operations of the school (such as parent communication applications).

Only information required for the stated purpose is shared, and all third-parties are required to ensure appropriate technical and organisational measures are in place to secure your data.

International transfers

Some of our service providers may process personal data outside the United Kingdom. Where this occurs, we will ensure that appropriate safeguards are in place in accordance with UK data protection law, such as adequacy regulations or approved contractual clauses.

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.

Local authority

We are required to share information about our workforce members with our local authority (LA) under regulation 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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 of educational attainment.

We are required to share information about our employees with our local authority (LA) and the Department for Education (DfE) under regulation 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current government security policy framework.

For more information, please see the 'How Government uses your data' section.

The 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 transparently;
- Collected and used only for the specific, explicit and legitimate purpose they have been collected for and not for any other purposes;
- Adequate and relevant and limited only to what is necessary;
- Accurate and kept up to date;
- Kept only as long as necessary; and
- Kept securely, using appropriate technical and/or organisation measures.

Your rights

Your rights depend on our purpose and lawful basis for processing and are not all available in every circumstance. Where applicable, you can exercise the following rights:

- Right of access

- Right of erasure
- Right of rectification
- Right to object to processing
- Right to be informed
- Right to data portability
- Right not to be subject to decisions based on automated decision making
- Right to restrict processing

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO or to make a right of access request (subject access request) use the contact details on the front of this notice.

For example, data portability applies only to information you have provided where processing is automated and based on consent or contract. The right to erasure does not apply where processing is necessary to comply with a legal obligation or perform our public task. You may object to processing based on public task or legitimate interests, subject to the applicable legal tests. Where we rely on consent, you may withdraw it at any time without affecting the lawfulness of earlier processing.

Concerns about how your personal data is handled

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 using the contact information on the first page of this document.

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO use the contact details on the front of this Privacy Notice.

Our data protection complaints procedure is available at [insert direct link to the school/trust data protection complaints procedure]. It explains how to complain, including electronically, and the response times. We will acknowledge receipt within 30 days, investigate without undue delay, keep you informed of progress and communicate the outcome without undue delay. The 30-day period is for acknowledgement, not a fixed deadline for the final response.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

You also have the right to complain to the Information Commissioner's Office at https://ico.org.uk/make-a-complaint/data-protection-complaints/. You may contact the ICO without first completing our complaints process.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

How Government uses your data

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- informs the Department for Education (DfE) policy on pay and the monitoring of the effectiveness and diversity of the school workforce;
- links to school funding and expenditure; and
- supports longer-term research and monitoring of educational policy.

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (DfE), including the data that we share with them, go to https://www.gov.uk/education/data-collection-and-censuses-for-schools.

Sharing by the Department for Education (DfE)

The Department for Education (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; and
- providing information, advice or guidance.

The Department for Education (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 the Department for Education (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.

How to find out what personal information the Department for Education (DfE) hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department for Education (DfE):

- if they are processing your personal data;
- for a description of the data they hold about you;
- the reasons they're holding it and any recipient it may be disclosed to; and
- for a copy of your personal data and any details of its source.

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

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

To contact the Department for Education (DfE): https://www.gov.uk/contact-dfe