

Privacy Notice for Staff

How we use your information 2020/21

Who are we?

Tove Learning Trust is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Tove Learning Trust is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: Z7119841.

You can contact the Academy Trust as the Data Controller in writing at:

Tove Learning Trust, c/o Sponne School, Brackley Road, Towcester, Northamptonshire, NN12 6DJ.

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our staff.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing or genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What personal information do we process about applicants?

The categories of applicant information that we collect, hold and share include:

- personal information such as name, employee or teacher number and national insurance number
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information such as start dates, hours worked, post, roles and salary information
- work absence information such as number of absences and reasons
- qualifications and, where relevant, subjects taught
- performance information such as appraisal reviews, threshold applications, disciplinary information etc.

For what purposes do we use applicants' personal information?

The personal data collected is essential in order for the school to fulfil their official functions and meet legal requirements.

We collect, use and process staff information in a lawful basis (under the General Data Protection Regulation (GDPR) for the following purposes:

a)	Recruit, appoint, employ and retain a suitable workforce	In accordance with the legal basis of Public Task ; necessary to perform tasks that schools are required to perform as part of their
b)	Ensure that we can act in an emergency	
c)	Enable individuals to be paid and receive other staff	

	benefits	<p>statutory function and in terms of any special category data, with Article 9 of the GDPR.</p> <p>Details of the type of processing under this basis and who we may share that information is set out in Table 4.</p>
d)	To ensure the safeguarding of students	<p>In accordance with the legal basis of Vital interest; to keep children safe.</p> <p>Details of the type of processing under this basis and who we may share that information is set out in Table 2.</p>
e)	Meet the statutory obligations placed upon us	<p>In accordance with the legal basis of Legal Obligation; data collected for DfE census information.</p> <p>Details of the type of processing under this basis and who we may share that information is set out in Table 1.</p>
f)	To develop a comprehensive picture of the workforce and how it is deployed	<p>We may need to seek your consent to process some personal information; in these circumstances we will provide you specific and explicit information regarding the reasons the data is being collected and how the data will be used.</p> <p>Details of the type of processing under this basis and who we may share that information is set out in Table 3.</p>

Collecting applicant 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 the General Data Protection Regulation, we will inform you at the point of collection whether you are required to provide certain information to us or if you have a choice in this.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. Data Protection law sets out the lawful reasons we have to process your personal information and these are as follows:

1) To comply with the law

We collect and use general purpose staff information in order to meet certain legal requirements and legal obligations placed upon the Academy Trust by UK law. We therefore have the right to process your personal information for such purposes without the need to obtain your consent.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

3) With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information is processed in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

4) To perform a public task

It is a day-to-day function of the Academy Trust to ensure that staff members receive the training and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that staff are properly supported and able to do their job.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

5) To comply with a contract we have with you or because you have asked us to take specific steps before entering into a contract

We are able to process personal information in order to comply with the contract that we have with you.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 5.

Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Necessary for carrying out obligations and exercising specific rights in relation to employment and social security and social protection law
- 3) Processing relates to personal data which is manifestly made public by the data subject
- 4) Necessary for establishing, exercising or defending legal claims
- 5) Necessary for reasons of substantial public interest
- 6) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- 7) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of sensitive category personal information that we process is set out in the tables attached.

Who might we share your information with?

We routinely share staff information with:

- our local authority
- the Department for Education (DfE)

We do not share information about our staff unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

What do we do with your information?

All personal information is held in a manner which is compliant with Data Protection legislation. Personal information is only processed for the purpose it was collected. The Trust monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so.

How long do we keep your information for?

In retaining personal information, the Trust complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the Trust is required to retain the information. A copy of those schedules can be located using the following link: <http://irms.org.uk/page/Schools/Toolkit>

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, applicants have the right to request access to information about them that we hold. To make a request for your personal information contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4RL

****Please ensure you specify which School your request relates to.**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Review

The content of this Privacy Notice will be reviewed annually or where substantial change is required due to a change in the law. This Privacy Notice was last updated July 2020.

Table 1 – Personal information we are required to process to **comply with the law:**

Information Type	Relevant legislation	Special Category– additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Staff information, including personal details, N.I number, DBS checks, qualifications, verification of right to work in the U.K	Education Act 2005, Section 114 and accompanying regulations		Secretary of State, Local Authority, Disclosure & Barring Service EPM HR & Payroll Team	Legal Obligation
School workforce Census including staff personal details	Education Act 2005, Section 114 and accompanying regulations		Department of Education	Legal Obligation
School workforce Census – Staff Ethnicity	Education Act 2005, Section 114 and accompanying regulations	Consent	Department of Education	Legal Obligation
Accident Records	Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR)		Health & Safety Executive, and Local Authority Health & Safety team (where necessary)	Legal Obligation
Individual Staff Health & Safety Risk Assessments and Personal Emergency Evacuation Plans (PEEP)	Health and Safety at Work etc. Act 1974 and accompanying legislation		Not shared externally	
Qualifying Complaint Information	Education Act 2005, Section 11B		Chief Inspector	Legal Obligation
Verification of Right to work in the U.K (Single Central Record)	Immigration, Asylum and Nationality Act 2006, Section 15		Local Authority, Ofsted	Legal Obligation

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Medical Information	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent OR Necessary for preventative/ occupational medicine	Medical staff i.e. paramedics/ambulance Responsible/First aid trained staff on residential trips	Vital Interest
Staff Dietary Requirements (food allergies)	Necessary for preventative/ occupational medicine	Medical staff i.e. paramedics/ambulance	Vital Interest
Medical Conditions & Staff Emergency Contact Details	Necessary for preventative/ occupational medicine	Medical staff i.e. paramedics/ambulance Responsible/First aid trained staff on residential trips	Vital Interest
Religious belief	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent	Medical staff i.e. paramedics/ambulance	Vital Interest

Table 3 - Personal information we are required to process with the **consent of the individual to whom that information ‘belongs’**

Information Type	Third Parties with whom we share the information	Lawful reason for sharing
Photographs	Local Press/Media, Staff Medical Noticeboard, Parents & Community (Newsletter, School Website, Twitter, Annual Prospectus, Internal school displays, staff photo board).	Consent
Staff Email address and mobile number	Parents, and other members of staff	Public Task

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a **public task**

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Attendance Records at staff meetings and staff training		Not shared externally	Public Task
Staff personal characteristics i.e. Religion/Gender/Ethnicity	Consent	Local Authority – Confidential Recruitment Monitoring, Diocesan Education Service annual census	Public Task & Statistical Purposes
Medical Conditions (including allergies)	Necessary for preventive or occupational medicine.	Medical staff i.e. paramedics/ambulance,	Vital Interests

Table 5 - Personal information we are required to process because of a contract we have with you or because you have asked us to take specific steps before entering into a contract

Information Type	Third Parties with whom we share the information	Lawful reason for sharing
Recruitment Information – Application forms, interview notes, Medical questionnaires & references	EPM HR & Payroll Team Local Authority & Ofsted	Public Task / Legal Obligation
Absence Records (including number of absences, reasons for absence & self-certifications forms)	EPM HR & Payroll Team	Public Task
Disciplinary action taken	EPM HR & Payroll Team	Public Task
Grievances	EPM HR & Payroll Team	Public Task
Staff Information i.e. name D.O.B, address, contact details, Emergency contact details	Department of Education – school workforce census.	Legal Obligation
P45 Forms	HR & Payroll team	Public Task
Consent Forms i.e. GDPR, Policy Agreement	Not shared externally	
Staff personal bank details	HR & Payroll team	Contract
Appraisal Records, appraisal notes, feedback from colleagues, objectives, updated job descriptions, pay & promotion recommendations	Not shared externally	
Staff information, including personal details, N.I number, DBS, Address, Phone number.	Secretary of State, Local Authority, Disclosure & Barring Service,	Legal Obligation