Privacy Notice for School Workforce Contents

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About this Privacy Notice

St Margaret's Academy is covered by the **UK General Data Protection Regulation (UK GDPR)**, the **Data Protection Act 2018 (DPA 2018)**, and the **Data (Use and Access) Act 2025 (DUAA)**

Individuals have a legal right to be informed about how we use their personal information data, which can identify them either directly or indirectly. This Privacy Notice explains how we collect, store and use personal information about the people we employ, or otherwise engage, to work at our school.

Our aim is to always provide clear information about the personal information we are using and why we are using it. If anything is unclear, or if you have any concerns then please contact DPO@st-margarets.torbay.sch.uk

This is an 'overarching' Privacy Notice and it applies generally to most of the personal information that we collect and use about our workforce. It is based on the model Privacy Notice for the school workforce produced by the Department for Education (DfE). Unless there is a lawful reason not to do so, for example a criminal investigation, we will also provide more specific privacy information at the point at which we collect or use personal information that is not captured by this notice. This Privacy Notice is intended for all of the school workforce (including employees, trustees, volunteers and contract staff) and we encourage all to read it. We have produced separate privacy notices for pupils and parents, job applicants and as appropriate in other areas. While much of the personal information that we collect is mandatory (i.e. it must be provided so that we can manage the employment relationship with you and the school), some of it may be requested on a voluntary basis. Where this is the case, we will request your consent at the point we collect the information. We will explain to you whether there is a requirement to provide certain information to us, or whether you have a choice in doing so.

For the purposes of data protection law, St Margaret's Academy is the 'data controller'.

Our school contact for data protection matters is **One West, Bath and North East Somerset Council.** Contact details are provided at the end of this privacy notice.

The personal data we hold (categories of personal data)

We process personal data (which may identify you as an individual) relating to those we employ, or otherwise engage to work at our school in order to comply with the law, manage the working relationship and to run the school for example, contact details, date of birth etc.

Examples of the types of personal data that we may collect, use, store and share (when appropriate) are listed at **Appendix 1**.

Data Protection law requires us to have a **lawful reason ('lawful basis')** for processing the personal data we use. These reasons are listed under Article 6 of the 'General Data Protection Regulation' (GDPR). Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

St Margaret's processes a wide range of personal data for a variety of purposes, as described above. The lawful bases we rely on will therefore vary. However, generally, the lawful bases we mainly use in relation to our workforce are:

- To fulfil a contract we have entered into with you: For example we need to collect and use your personal information to fulfil the terms of the employment contract we have with you including to be able to pay you and to administer benefits and pensions.
- We need to comply with the law (we have a legal obligation): For example, we collect and use workforce information under legal and statutory obligations within the Keeping Children Safe in Education (KCSIE) statutory guidelines. We are required to check employees' suitability to work with children, their entitlement to work in the UK and to comply with health and safety laws.
- We need to carry out a task in the public interest: For example, where the collection and use of workforce information is necessary for us to perform our role as a school and to deliver our public task of providing education to our pupils.
- You have given us consent to use it in a certain way (for example a photo of you for promotional purposes or on our website).
- We need to protect your vital interests (or someone else's interests). This relates to life and death situations.
- It is in ours, a third party's, legitimate business interests to process the data. Where this is the case, we will ensure that we have considered whether our legitimate interests are overridden by your rights and freedoms as the worker or employee.

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 go about withdrawing consent if you wish to do so. We will then cease this aspect of processing

Special category (sensitive) personal information

We may also collect, store, and use information about you that falls into "special categories" of more sensitive personal data which has extra protection in law and requires us to identify a condition for processing under Article 9 of the GDPR.

Special category data is personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data for the purpose of uniquely identifying a natural person (for example fingerprints or voice recognition software)
- data concerning health; or
- data concerning a natural person's sex life or sexual orientation

Where we process more sensitive data, we need an additional legal basis. The bases we mainly use are:

- Legal obligation
- Substantial public interest including:

○ Statutory and government purposes ○

Equality of opportunity or treatment ○

Preventing and detecting unlawful acts ○

Preventing fraud ○ Public Health

- Support for individuals with a particular disability or medical condition
- Employment, social security and social protection
- Occupational pensions
- Explicit consent
- To maintain your vital interests, where consent is physically or legally incapable of giving consent (e.g. where you are unconscious and in need of medical assistance), and where your health data is then shared)
- For the purpose of medical diagnosis and prevention (e.g. School nurse Team, ensuring staff are aware of allergies)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. In such cases, we will cease to process the data. We will make this clear requesting your consent and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data. There are also other lawful bases that may apply, and this will be made clear wherever possible. Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

Please refer to our Special Categories of Personal Data Policy contained within our Data Protection Policy for further information as to how we process special category data.

Criminal convictions

We may process data about criminal convictions or offences.

We will only use information about criminal convictions or offences where the law allows us to. Usually this will either be either on the basis of our legal obligations in relation to safeguarding, including looking after our other students and staff, preventing fraud, supporting law enforcement agencies, health and safety or with your consent. We also need to identify the relevant condition for the processing, this will usually be substantial public interest.

We do not retain DBS certificates.

Collecting workforce information: Why do we collect and use your information?

The reasons that we collect and use personal information enable us to manage our workforce and help us to run the school, please refer to **Appendix 2** for examples.

We collect and use information about you in a variety of ways including through the recruitment process, information obtained through identity documents, from correspondence with you or through interviews, meetings or other assessments while you are working with us. The ways in which we collect workforce information may also include methods as outlined at **Appendix 3.**

In many cases we will collect information about you from third parties, such as references provided by former employers, and information from employment checks or criminal records checks permitted by law.

Whilst you will be required to provide us with some information, there is some information that you can choose to provide to us. 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.

Whom we share workforce information with

Information about our workforce will not be shared with any third party without your consent, unless the law permits this. Where it is legally required or is otherwise necessary (and it complies with data protection law) personal information may be shared with the relevant local authority – to meet our legal obligations to share certain information such as safeguarding concerns or with the Department for Education (DfE). The DfE processes personal data relating to those employed by schools (including all academies and free schools and all special schools including pupil referral units). To find out more about the data collection requirements that are placed upon us by the DfE including the data that we share with them go to: https://www.gov.uk/education/data-collection-and-censuses-forschools

Further examples of with whom we share data are listed at **Appendix 4**.

Storing our workforce data

Personal data is stored in line with our data protection policy in a range of different places including in your personnel file and in IT systems including the school's email system.

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes relevant to your employment. Once your employment with us has ended, we will retain this file and usually delete the information in line with our retention policies (unless exceptionally there is a business need to retain it).

A copy of the Retention Schedule is available on the school website.

Transferring data internationally

Where we transfer personal data to a country or territory outside of the UK and European Economic Area, we will do so in accordance with data protection law and ensure that we have sufficient safeguards in place.

Requesting access to your personal data

Individuals have the right to request access to information about them that we hold. This is known as making a 'Subject Access Request' (SAR). If you make a subject access request, and if we hold information about you, we will:

- 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 within a month, unless an extension is necessary on the ground of the complexity of the request

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 DPO@st-margarets.torbay.sch.uk.

Other rights

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

- To request to have personal data rectified if you feel that it is inaccurate or incomplete.
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- To restrict our processing of personal data (i.e. permitting its storage but no further processing) under limited circumstances
- To object to processing if we are processing your information as part of our public tasks, or if it is in our legitimate interests in which case we will consider your objection, and balance this against our need to process the information.
- To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
- To withdraw your consent to processing
- To have personal information, which you have provided, transmitted electronically to another organisation in certain circumstances.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect - unless you have agreed or in other limited circumstances.

Contact and Complaints

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please either contact the school business manager at officDPO@stmargarets.torbay.sch.uk. 01803 327090.

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 ab ut our data processing, please consider raising this with us in the first instance or please contact us or our data protection officer One West,

Email: i-west@bathnes.gov.uk 01225 395959

You can also complain to the ICO if you are unhappy with how we have used your data, but they generally expect you to have raised issues with us in the first instance.

The ICO's address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire
SK9 5AF

Helpline number: 0303 123 1113

ICO website: https://www.ico.org.uk

Updates to our Privacy Notice

We may need to update this privacy notice periodically. This version was last updated on 11th February 2022.

Appendix 1 - Non exhaustive list of examples of the types of personal data which we collect about staff

- Contact details
- Date of birth, marital status and gender, ethnic group
- Employee or teacher number
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications, subjects taught and employment records, including work history, job titles, working hours, start date, salary information, post details, training records and professional memberships
- Performance information
- Information relating to disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence
- Photographs

- CCTV footage
- Data about your use of the school's information and communications system.
- Criminal convictions and cautions where
- We may use an online platform to live stream lessons or meetings, you will be aware of this and we will advise you if they are recorded (which is unlikely)

This list is not exhaustive. To access further details of the categories of personal information we process, please contact DPO@st-margarets.torbay.sch.uk.

Appendix 2 – Examples of the purposes for which we process your data

We may process data to:

- Enable you to be paid and administer pension and other benefits.
- Maintain accurate workforce records including emergency contact details and records of contractual and statutory rights.
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils.
- Operate and keep a record of absence management and other types of leave including maternity and paternity and parental leave.
- Obtain occupational health advice and ensure we are meeting obligations under health and safety law.
- Support effective performance management including training records.
- Disciplinary and grievance processes.
- Inform our recruitment and retention policies.
- Allow better financial modelling and planning.
- Enable ethnicity and disability monitoring and promote equality in the workplace.
- Improve the management of workforce data across the sector.
- Provide references.
- Respond to and defend legal claims.
- Support the work of the School Teachers' Review Body
- Deliver remote learning or meetings

This list is not exhaustive. To access further details please contact DPO@stmargarets.torbay.sch.uk

Appendix 3 – Ways in which we collect workforce information

We collect and use information about you in a variety of ways including through the recruitment process, information obtained through identity documents, from correspondence with you or through interviews, meetings or other assessments while you are working with us.

Appendix 4 - Examples of whom we may share your data with where the law permits (non – exhaustive list)

- The Department for Education
- Your family or representatives
- Educators and examining bodies
- Our regulator [specify as appropriate e.g. Ofsted, Independent Schools Inspectorate]
- Suppliers and service providers – to enable them to provide the service we have contracted them for such as payroll
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations
- Trade unions and associations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Police forces, courts, tribunals
- Professional bodies
- Employment and recruitment agencies
- Internally with School Governors, for example if they are involved with a HR matter concerning yourself

- Occasionally with the School's Data Protection Officer, for example in relation to a subject access request