



## **GDPR privacy notice for the trust workforce**

Trusts are required to inform staff about how their personal data may be collected and used. This requirement is specified in the General Data Protection Regulation ((EU) 2016/679) (“GDPR”) which came into effect on 25 May 2018. Further in-depth information regarding the use of data by the trust can be found in our GDPR Data Protection Policy which is available on the trust website.

### **Who processes your information?**

We, The TRUE Learning Partnership, whose registered office is Yew Tree Lane, Poynton, SK12 1PU, are the “data controller” for the purposes of data protection law. This means that we determine the purposes for which, and the manner in which, any personal data relating to staff is to be processed.

Mrs Jill Ingram is currently the Data Protection Officer for the trust. Her role is to oversee and monitor the trust’s data processing practices. This individual can be contacted at [DPO@phs.cheshire.sch.uk](mailto:DPO@phs.cheshire.sch.uk) or alternatively by calling 01625 871811 extension 214.

Where necessary, third parties may be responsible for processing staff members’ personal information. Where this is required, the trust places data protection requirements on third party processors to ensure data is processed in line staff members’ privacy rights.

### **What data is collected?**

The personal data the trust will collect, store, and use from the trust workforce includes (but is not limited to) the following:

- Personal information and contact details (such as name, employee or teacher number, national insurance number, addresses, telephone numbers and personal email addresses);
- Date of birth;
- Marital status and gender;
- Next of kin and emergency contact information;
- National Insurance numbers;
- Copy of driving licence.
- Salary, annual leave, pension and benefits information;
- Bank account details, payroll records 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);
- Employment records (including job titles, work history, working hours, training records and professional memberships);
- Outcomes of any disciplinary and/or grievance procedures;

- Work absence information (such as number of absences and reasons);
- Performance information;
- Qualifications (and, where relevant, subjects taught);
- Photographs
- CCTV footage; and
- Information about staff members' use of our information and communications systems e.g. email systems, school networks, internet use

[NB. The above list is not exhaustive]

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions;
- Trade union membership;
- Information about your health, including any medical condition or disability, health and sickness records;
- Information about criminal convictions and offences.

### **How do we use this data?**

In accordance with the above, staff members' personal data is collected, stored and used to carry out our duties as an employer and to assist in the running of the trust, including to:

- Enable communication with members of staff
- Enable individuals to be paid
- Employment checks, e.g. right to work in the UK in order to facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Informing our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Enabling the development of a comprehensive picture of the workforce and how it is deployed.
- Supporting the work of the trust teachers' review body.
- Complying with legal requirements and obligations to third parties
- Ensure appropriate use of trust systems by reviewing business documentation and trust electronic communication systems e.g. email accounts when the trust deems it necessary and appropriate
- Ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.

The collection of personal information will also benefit both the DfE and LA.

### **Why do we need your information?**

We will only collect and use staff information when the law allows us to. Most commonly, we will use staff information in the following circumstances:

- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation;

Less commonly, we may also use staff information in the following situations:

- Where you have provided us with consent to use your personal information in a certain way;
- Where we need to protect your interests (or someone else's interest)
- Where the trust needs to ensure appropriate use of its systems and platforms
- Where it is needed in the public interest

In particular, we process personal data in order to meet the safeguarding requirements set out in UK employment and childcare law, including those in relation to the following:

- School Staffing (England) Regulations 2009 (as amended)
- Safeguarding Vulnerable Groups Act 2006
- The Childcare (Disqualification) Regulations 2009

If staff members fail to provide their personal data, there may be significant consequences. This includes the following:

- Lack of contact with next of kin in the event of an incident
- Salary payments cannot be made

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 inform you whether you are required to provide certain trust workforce information to us or if you have a choice in this.

### **Will your personal data be sought from third parties?**

Staff members' personal data is usually only sought from the data subject. No third parties will be contacted to obtain staff members' personal data without the data subject's consent.

Staff members' personal data may be obtained and processed from third parties where the law requires the trust to do so, e.g. medical records from a GP. The categories of data obtained and processed from third parties include:

- Occupational health
- DBS certificates
- HMRC
- References
- Payroll information
- Information from a previous employer
- Local Government Pension Scheme
- Teachers' Pension Scheme

Where data is obtained from third parties, the personal data originates from the following sources:

- DBS service completed online by the applicant and verified by the trust

- SIMS or other management information systems for personal information and absence information
- Job application forms and information provided by applicants and via references.

### **How is your information shared?**

The trust will not share your personal information with any third parties without your consent unless the law and our policies allow us to do so.

Where it is legally required or necessary in accordance with data protection law, we may share staff information with:

- Our local authority;
- The Department for Education;
- Family, associates and representatives of the person whose personal data we are processing;
- Educators and examining bodies;
- Our regulator;
- Suppliers and service providers e.g. payroll bureau.
- Financial organisations;
- Central and local government;
- Our auditors;
- Survey and research organisations;
- Trust and Governing boards.
- Trade unions and associations;
- Professional advisers and consultants;
- Charities and voluntary organisations;
- Police forces, courts, tribunals;
- Professional bodies;
- Employment and recruitment agencies.

Specifically, we are required to share information about our trust employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the Trust Workforce) (England) Regulations 2007 and amendments. All state funded trusts are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

This means that:

- Although schools, trusts and local authorities must meet their obligations to data subjects under the GDPR and the Data Protection Act, they do not need to obtain consent for the provision of information from individual members of the workforce
- Trusts, schools and local authorities are protected from any legal challenge that they are breaching a duty of confidence to staff members

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-trusts>.

The department may share information about trust employees with third parties who promote the education or well-being of children or the effective deployment of trust staff in England by:

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

The department 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 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 trust 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.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

### **How long is your data retained for?**

Once a person has taken up employment with us, we will compile a file relating to their employment. The information contained within this file will be kept secure and will only be used for purposes directly relevant to that person's employment. Once their employment with us has ended, we will retain the file in accordance with the requirements of the trust's GDPR Data Protection Policy and then it will be deleted.

Staff members' personal data is retained in line with the trust's GDPR Data Protection Policy which details the retention periods for employee information and is available upon request or can be downloaded from the trust website.

Personal information may be retained for the identified periods depending on the nature of the information. Data will only be retained for as long as is necessary to fulfil the purposes for which it was processed, and will not be retained indefinitely.

### **What are your rights?**

As the data subject, you have specific rights to the processing of your data.

Under the GDPR, you have the right to find out if we hold any personal information about you by making a “subject access request” under data protection law. If we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it has been disclosed to; and
- Let you have 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.

To make a request for your personal information, please contact our Data Protection Officer at [DPO@phs.cheshire.sch.uk](mailto:DPO@phs.cheshire.sch.uk).

Individuals also have certain rights regarding how their data is used and kept safe including 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;
- Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent; and
- Claim compensation for damages caused by a breach of the Data Protection regulations

## **Complaints**

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. Alternatively, you can contact the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

## **How can you find out more information?**

If you require further information about how we and/or the DfE store and use your personal data, please visit our website, <https://www.phs.cheshire.sch.uk/> , the Gov.UK [website](#), or download our GDPR Data Protection Policy.

As outlined above you can also contact our Data Protection Officer Mrs Jill Ingram:

Email: [DPO@phs.cheshire.sch.uk](mailto:DPO@phs.cheshire.sch.uk)

Telephone: 01625 871811 and extension 214.