

Privacy Notice for School Workforce at EQUITAS ACADEMIES TRUST

Who we are

We are Equitas Academies Trust based at Aston Manor Academy, Phillips Street, Aston, Birmingham B6 4PZ. We are a multi-Academy Trust comprising Aston Manor Academy for children aged 11 to 18 and Chilwell Croft Academy for children aged 4 to 11. This privacy notice explains how we collect, store and use personal data about our workforce. We Equitas Academies Trust are the 'data controller' for the purposes of the General Data Protection Regulation (GDPR) and as such we are obliged to inform you of the information we hold on you, what we use it for, who we share it with, and for how long we keep it.

The Categories of School Workforce Information that we Collect, Hold and Share

- Name, address and contact details, including email address and telephone number, date of birth and gender;
- Terms and conditions of employment;
- Details of qualifications, skills, experience and employment history, including start and end dates, with previous employers and with Equitas Academies Trust
- Information about remuneration, including entitlement to benefits such as pensions;
- Bank account and national insurance number details;
- Information about marital status;
- Name and contact number of emergency contacts;
- Information about nationality and entitlement to work in the UK;
- Information about criminal records (if applicable);
- Details of working patterns and attendance at work;
- Details of all periods of leave including; sickness absence, unpaid leave and extended leave, maternity/paternity/adoption/shared parental leave, dependent leave, compassionate leave, and the reasons for the leave;

- Details of any formal disciplinary or grievance procedures in which employees have been involved, including any warnings issued and related correspondence;
- Assessments of employee performance, including appraisals, performance reviews and ratings, probation reviews; performance improvement plans and related correspondence;
- Information about medical or health conditions, including whether or not employees have a disability for which Equitas Academies Trust needs to make reasonable adjustments;
- Information relating to employees' health and safety at work;
- Equal opportunities monitoring information including information about employees' ethnic origin, sexual orientation, and religion or belief.
- Photographs – for security purposes, school newsletters, media and promotional purposes
- CCTV images

Equitas Academies Trust may collect this information in a variety of ways. For example, data might be collected through application forms, obtained from passports or other identity documents such as driving licences; from forms completed by employees at the start of or during employment; from correspondence with employees; or through interviews, meetings or other assessments.

In some cases, Equitas Academies Trust may collect personal data about its employees from third parties, such as references supplied by former employers, information from employment background check providers, information from credit reference agencies and information from criminal records checks permitted by law. In most cases, Equitas Academies Trust will only seek information from third parties with the prior consent of the employee(s) in question.

Why We Collect and Use This Information

We use the workforce data to:

Equitas Academies Trust needs to process personal data to enter into an employment contract with its employees and to meet its obligations under employee employment contracts. For example, Equitas Academies Trust needs to process employee personal data to provide an employment contract, to pay an employee in accordance with their employment contract and to administer entitlements such as pension benefits.

In some cases, Equitas Academies Trust needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws.

Processing employee data allows Equitas Academies Trust to:

- Run recruitment and promotion processes;
- Maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights;
- Operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace;
- Operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes;
- Operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- Obtain occupational health advice, to ensure that Equitas Academies Trust complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensures that employees are receiving the pay or other benefits to which they are entitled;
- Operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that Equitas Academies Trust complies with duties that employees are receiving the pay or other benefits to which they are entitled;
- Ensure effective general HR and business administration;
- Provide references on request for current or former employees;
- Respond to and defend against legal claims; and
- Fulfil any statutory reporting obligations.

Some special categories of personal data, such as information about health or medical conditions, are processed to carry out employment law obligations (such as those in relation to employees with disabilities). Where Equitas Academies Trust processes other special categories of personal data, such as information about ethnic origin, sexual orientation, religion or belief, this is for the purposes of equal opportunities monitoring. Data that Equitas Academies Trust uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide

whether to provide such data and there are no consequences of deciding against this.

3. The lawful basis on which we use this information

Our lawful basis for collecting and processing workforce information is defined in GDPR under Article 6. The following elements of the article apply:

- a) Consent: where you have given Equitas Academies Trust clear consent to process your personal data for a specific purpose
- b) Contract: the processing is necessary for a contract you have with Equitas Academies Trust
- c) Legal obligation: the processing is necessary for Equitas Academies Trust to comply with the law
- d) Vital interests: the processing is necessary to protect someone's life.

Our lawful basis for collecting and processing workforce information is further defined under Article 9, in that some of the information we process is deemed to be sensitive, or special category data. The following elements of the article apply:

- a) Where you have given your explicit consent to the processing of personal data for one or more specified purposes
- b) 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
- c) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee.

Collecting Workforce Information

A full breakdown of the information we collect on our workforce can be found in the school's data mapping document.

On some occasions, we process personal information on the basis of consent, for example, when we wish to take photo images for social media or school newsletters. Consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Storing and Protecting Workforce data

Equitas Academies Trust will hold employees personal data for the duration of their employment. The period for which detailed employee data is held after the end of employment is six years, and limited employment data is retained indefinitely for historical purposes.

As part of the recruitment process, data will be held for a period of 6 months for unsuccessful candidates.

We have data protection policies and procedures in place, including strong organisational and technical measures, which are regularly reviewed. Further information can be found on our website.

Who We Share Workforce Information With

We will share workforce information with appropriate external agencies to meet our legal obligation or where we have sought your permission. The agencies who we routinely share workforce information with include:

- Our Local Authority
- The Department for Education (DfE)
- Payroll Provider currently Neo People Limited
- Occupational Health Provider currently BSHF
- Previous employers to obtain references
- Disclosure and Barring Service
- Companies to fulfil our statutory reporting obligations
- Health authorities
- Public Health England
- Police forces, courts, tribunals
- Professional bodies

We are required to share information about our school employees with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All information we share with the DfE is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current government security policy framework, which can be found by following the link below:

<https://www.gov.uk/government/publications/security-policy-framework>

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

Please contact our Data Protection Lead (see contact details at the end of this privacy notice) who can provide you with further details of who we share workforce information with as recorded in our data mapping document.

How does the government use your data?

The workforce information that we lawfully share with the DfE through data collections:

- Informs the DfE's 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.

You can find more information about the data collection requirements placed on us by the DfE by following this link: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The DfE may share your information 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.

The 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 and use of the information. The DfE makes decisions on whether they will share personal information with third parties based on an approval process, where the following areas are considered in detail:

- Who is requesting the information.
- The purpose for which the information is required.
- The level and sensitivity of the information requested.
- The arrangements in place to securely store and handle the information.

To have access to school workforce information, organisations must comply with strict terms and conditions covering the confidentiality and handling of information, security arrangements and retention of the information.

How to find out what personal information the DfE holds about you

[The DfE has removed its references to using and sharing information about pensions – we have removed any affected paragraphs from this section.] Under the Data Protection Act 2018, you are entitled to ask the DfE what personal information it holds about you. You have the right to ask the DfE:

- If it processes your personal data.
- For a description of the data it holds about you.

- The reasons it is holding your data and any recipient it may be disclosed to.
- For a copy of your personal data and any details of its source.

To exercise these rights, you should make a subject access request. Information on how to do this can be found by following this link:

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

You can also contact the DfE directly using its online contact form by following this link: <https://www.gov.uk/contact-dfe>.

Requesting Access to your Personal Data and your Data Protection Rights

Under data protection legislation, employees have the right to request access to information about them that we hold, through a Subject Access Request.

We will provide information in a way that is:

- Concise
- Transparent
- Intelligible
- Easily accessible
- Uses clear and plain language

If you would like to make a subject access request please contact our Data Protection Officer, Donna Lewis, CFO, email: GDPR@equitasacademiestrust.com

Data subjects have the following rights with regards to their personal information, as follows:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purpose of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restrictions, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- The safeguards provided if the data is being transferred internationally

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;

Complaints.

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 about our data processing, please raise this with us in the first instance. To make a complaint, please contact our Data Protection Lead within school, Sharon Elliott contact number 0121 359 8108.

You can also report a concern online to the Information Commissioners Office at <https://ico.org.uk/concerns>

Telephone Number 0303 123 1113

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF 12.

Changes to this privacy notice

This privacy notice may be updated from time to time. We encourage you to check this privacy notice from time to time to ensure you understand how your data will be used and to see any minor updates. If material changes are made to the privacy notice, for example, how we would like to use your personal data, we will provide a more prominent notice (for example, email notification or correspondence of privacy notice changes).