

## **Privacy Notice (How we use school workforce information)**

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

The school is the data controller of the personal information you provide to us. This means the school determine the purposes for which and the manner in which, any personal data relating to staff is processed.

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

### **The categories of school workforce information that we collect, process, hold and share include:**

- personal information (such as name, address, employee or teacher number, 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)
- remuneration details
- work absence information (such as number of absences and reasons)
- relevant medical information
- qualifications (and, where relevant, subjects taught)
- safer recruitment information (such as right to work in UK, DBS, references)

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

Moor Park High School and Sixth Form has the legal right and a legitimate interest to collect and process personal data relating to those we employ to work at the school, or those otherwise contracted to work at the school. 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

### **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
- ensure safeguarding responsibilities are met
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring

### **The lawful basis on which we process this information**

On the 25th May 2018 the Data Protection Act 1998 was replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR is:

## Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
  - (a) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
  - (b) processing is necessary for the performance of a **contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
  - (c) processing is necessary for **compliance with a legal obligation** to which the controller is subject;
  - (d) processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
  - (e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller;
  - (f) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

## Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of 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 shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
  - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

## Collecting this 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 data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## Storing this information

We hold school workforce data for 6 years following termination of employment (termination date + 6 years).

## Who we share this information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
- our payroll provider
- our pension services
- the office for national statistics

## 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 section 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 educational attainment.

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

### Payroll provider

We are required to share information to enable payment of salary and appropriate deduction to be made. Processing is necessary under the lawful basis of contractual necessity.

### Pension service

We are required to share information with pension services to ensure appropriate pension contributions are made and records are kept up to date. Processing is necessary under the lawful basis of contractual necessity.

### Office for National Statistics

We are required to share information for compliance with a legal obligation, under section 4 of the Statistics of Trade Act 1947.

## Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

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

The department 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
- 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 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.

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>

### Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact **Mrs Jowett (dataprotection@moorpark.mp)**.

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, 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/>

### Further information

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

**Mrs Jowett (dataprotection@moorpark.mp)**

**Please note: The most current copy of this notice will always be made available on the school website (www.moorpark.mp). Please refer to this version at all times.**