



## **Employees Privacy Notice**

**The school workforce: those employed to teach, or otherwise engaged to work at the schools within Enable Academy Trust, to explain how we use your personal information**

**Last reviewed: March 2021 Review Cycle: 24 months or as required**

### **Relevant Legislation:**

This document has been prepared in accordance with the Data Protection Act 2018, the UK General Data Protection Regulation and other related legislation and applies to all schools and operations of Enable Academy Trust.

The Trust collects and processes personal data relating its employees to manage the employment relationship. The Trust is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

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

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group, sexual orientation and religion or belief
- Biometric data for the purposes of access to the building and cashless catering
- information about your nationality and entitlement to work in the UK
- details of your qualifications (and, where relevant, subjects taught), skills, experience and employment history, including start and end dates, with previous employers and with the organisation
- information about your criminal record
- details of your bank account and national insurance number
- contract information (such as start dates, hours worked, post, roles and salary information, terms and conditions of employment)
- details of periods of leave taken by you, including holiday, sickness absence, family leave and sabbaticals, and the reasons for the leave
- details of your enhanced DBS disclosure
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence
- assessments of your performance, including appraisals, performance reviews and ratings, performance improvement plans and related correspondence
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments

The Trust may collect this information in a variety of ways. For example, data might be collected through application forms, CVs or resumes; obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment (such as benefit nomination forms); from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the Trust may collect personal data about you from third parties, such as references supplied by former employers, information from employment background check providers,

information from the Department for Education and information from criminal records checks permitted by our safeguarding procedures to promote the welfare of children  
Data will be stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the Trust's email system).

### **Why we collect and use this information**

The Trust needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer benefit, pension and insurance entitlements.

In some cases, the 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 and to enable employees to take periods of leave to which they are entitled.

In other cases, the Trust will process personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation 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 employee management purposes;
- operate and keep a record of absence and absence management procedures, to allow effective employee management and ensure that employees are receiving the pay or other benefits to which they are entitled;
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure 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 employee management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure 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; and
- respond to and defend against legal claims.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities).

Where the Trust processes other special categories of personal data, such as information about ethnic origin, sexual orientation or religion or belief, this is done for the purposes of equal opportunities monitoring. This is to carry out its obligations and exercise specific rights in relation to employment.

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

There are several reasons why we hold, process, and share personal information. Under data protection laws, the lawful reasons for processing personal information include:

- Consent.

- For the performance of a contract.
- To comply with a legal obligation.
- To protect the vital interests of the trainee or another person.
- For a task carried out in the public interest.
- For a legitimate interest of the school or one of the organisations it shares data with except where those rights are overridden by the interests or fundamental rights and freedoms of the data subject.
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### **Consent**

We may ask for your consent to use your information in certain ways, such as publicity of photographs on marketing materials including our website. If we ask for your consent to use your personal information, you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid.

### **Performance of a contract**

On some occasions, the school will process personal information for the performance of a contract.

### **Legal obligation**

This is where we need to use personal information to comply with a legal obligation.

Statutory reporting requirements to the Department for Education (DFE) are included within this section. As is disclosing information to third parties such as the courts or the police where we are legally obliged to do so.

### **Vital interests**

This legal basis can be used where, for example, we need to disclose information about an employee in an emergency medical situation.

### **Public interest**

We consider that we are acting in the public interest when providing education. Specifically, we have a public interest in:

- Providing an education.
- Fulfilling our safeguarding obligations and investigating complaints that may be directly connected with you or may require access to your personal information when investigating complaints by others.
- Promoting the interests of the school.
- Managing the school efficiently.

We process this information under

- The Education Act (various years)
- The Education (Pupil Registration) (England) Regulations
- The School Standards and Framework Act 1998
- The School Admissions Regulations 2012
- Children and Families Act 2014

The Special Educational Needs and Disability Regulations 2014 Article 6, and Article 9 (UK GDPR) – from 25 May 2018 (includes special category data)

### **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 employee information to us or if you have a choice in this.

### **Storing this information**

We hold school employee data in line with the Enable Academy Trust data retention policy. The data, both electronic and hard copy, is stored securely using appropriate technical and organisational measures to protect the data from unauthorised access.

### **Who we share this information with**

We routinely share this information with:

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

### **Why we share school employee information**

We do not share information about employee 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 employee members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Employee) (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 employee policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

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

### **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 Department for Education 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 employee 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 [DPO@enabletrust.org.uk](mailto:DPO@enabletrust.org.uk)

### **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
- a right to redress, either through the ICO, or through the courts
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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 by contacting the Data Protection Officer at [DPO@enabletrust.org.uk](mailto:DPO@enabletrust.org.uk). Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Withdrawal of consent:**

Where we are processing your data with your consent, you have the right to withdraw that consent if you change your mind or are unhappy with our use of your personal data. Please let us know by contacting the Data Protection Officer on [DPO@enabletrust.org.uk](mailto:DPO@enabletrust.org.uk).

### **Last updated:**

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 1<sup>st</sup> March 2021.

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact the Data Protection Officer on [DPO@enabletrust.org.uk](mailto:DPO@enabletrust.org.uk).

