



## Privacy notice for the trust workforce

September 2023

### 1. Introduction

Under UK data protection law, individuals have a right to be informed about how our trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **individuals we employ, or otherwise engage to work in our trust.**

The trust, **University of Brighton Academies Trust, The Burgess Hill Academy, Station Road, Burgess Hill, West Sussex, RH15 9EA tel: 01273 082005**, is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is **Kathryn Smith, Director of Governance and Admissions.**

### 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Personal information (such as name, employee or teacher number, national insurance number)
- Characteristics information (such as gender, date of birth, marital status, ethnic group)
- Contract information (such as start date, hours worked, post, roles, annual leave, salary, pension and benefits information)
- Bank account details, payroll records and tax status information
- Work absence information (such as number of absences and reasons)
- Recruitment information, including copies of right to work documentation, references and other information provided as part of the application process (e.g. application form, CV, covering letter)
- Qualifications (and, where relevant, subjects taught)
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Photographs
- CCTV footage
- Data about your use of the Trust's information and communications system
- Trade union membership
- Health, including any medical conditions, and sickness records
- Criminal record information as should be disclosed in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020)

- Next of kin and emergency contact numbers
- Copy of driving licence
- Liability and indemnity insurance
- Information about business and pecuniary interests

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

This list is not exhaustive, please contact us (details provided in the section below) if you have a query about specific data items.

### **3. Why we use this data**

We use the data listed above to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable equalities monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

#### **3.1 Use of your personal data for marketing purposes**

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

#### **3.2 Use of your personal data in automated decision making and profiling**

We do not currently process any staff members' personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### **4. Our lawful basis for using this data**

Our lawful bases for processing your personal data for the purposes listed in section 3 above are as follows:

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation

- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

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 would go about withdrawing consent if you wish to do so.

#### **4.1 Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

#### **5. Collecting this data**

We collect personal information through the following methods:

- Application forms
- Instruction to appoint forms (confirming contractual information)
- ID provided
- Certificates of qualifications provided
- Health questionnaires
- New starter forms
- Third party companies (providing DBS information and social media/online checking information)
- Performance review/appraisal documents
- Medical certificates
- Return to work forms
- Occupational Health reports
- Contract change forms

Workforce data is essential for the Trust's operational use. While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

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.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals

## **6. How we store this data**

We keep personal information about you while you work in our trust. We may also keep it beyond your employment in our trust if this is necessary. Our Trust [retention policy and schedule](#) sets out how long we keep information about staff.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

## **7. Who we share data with**

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- The relevant local authority - we are required to share information about our workforce members with the relevant local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments

- The Department for Education - we are required to share information about our school employees with the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments
- Your family and representatives - in case of emergencies such as a health matter
- Educators and examining bodies - as necessary in the performance of our education function
- Our regulator, Ofsted - to enable it to evaluate the education we provide, which is in the public interest
- Suppliers and service providers - so that they can provide the services we have contracted them for, e.g. payroll, pension administrators
- Financial organisations - so that they can provide the services we have contracted them for
- Central and local government - to meet statutory obligations and legal duties to provide them with information
- Our auditors - to demonstrate that we have taken appropriate action in providing our education service
- Trade unions and associations - to assist them in meeting statutory and legal obligations
- Health authorities - to comply with our legal and statutory obligations, with investigations and to support legal entitlements
- Security organisations - with regard to legal or safeguarding investigations and to assist in crime prevention, detection and prevention of fraud
- Health and social welfare organisations - to enable us to comply with our duty of care and statutory safeguarding duties for your wellbeing
- Professional advisers and consultants - to comply with entitlements and assist with claims
- Police forces, courts, tribunals - in order to uphold law and order
- Professional bodies - to verify information for legal purposes
- Employment and recruitment agencies - as necessary in the performance of contracts with them

### **7.1 Transferring data internationally**

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## **8. Your rights**

### **8.1 How to access personal information that we hold about you**

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- 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

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 complete the Subject Access Request section on the Trust's [website](#) or contact us (see 'Contact us' below).

## 8.2 Your other rights regarding your data

Under data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about you deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. 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.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

Our **data protection officer** is:

- Kathryn Smith, Director of Governance and Admissions

However, our trust has a **data protection manager** who has day-to-day responsibility for data protection issues in the Trust.

If you're an employee and have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact them:

- Data Protection Manager, [privacy@brightonacademiestrust.org.uk](mailto:privacy@brightonacademiestrust.org.uk)

## **How Government uses your data**

The workforce data that we lawfully share with the Department for Education (DfE) through data collections:

- Informs the Department for Education (DfE) 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

## **Data collection requirements**

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

## **Sharing by the Department for Education (DfE)**

The Department for Education (DfE) may share information about school employees 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 Department for Education (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 it and its use. Decisions on whether the Department for Education (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.

## **How to find out what personal information the Department for Education (DfE) hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education (DfE):

- If they are processing your personal data
- For a description of the data they hold about you



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

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

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

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>.