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# Privacy Notice (How we use workforce information)

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| Date  | People involved | Notes |
| May 2023 | Gloria Speed (Estates & Operations Lead) | Version: 1 |
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Under data protection law, individuals have a right to be informed about how the school 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 **you**.

We, **[school name and address],** are the ‘data controller’ for the purposes of data protection law.

## The categories of school information that we process

These include:

* personal information (such as name, employee or teacher number, national insurance number)
* characteristics information (such as gender, age, ethnic group)
* contract information (such as start date, hours worked, post, roles and salary information)
* work absence information (such as number of absences and reasons)
* qualifications (and, where relevant, subjects taught)

**[Schools / local authorities need to add to this list other categories of workforce information that they process, for example, relevant medical information, addresses, and other payroll information.]**

This list is not exhaustive, to access the current list of categories of information we process please see **[link to website or location of data asset register / current privacy notice]**

## Why we collect and use workforce information

**[School / local authority to insert both the purposes and lawful bases for collecting and using workforce information]**

We use workforce data to:

1. enable the development of a comprehensive picture of the workforce and how it is deployed
2. inform the development of recruitment and retention policies
3. enable individuals to be paid

**[Schools / local authorities need to add to this list all other reasons for which they collect and use workforce information]**

## Our lawful basis for using this data

Under the UK General Data Protection Regulation (UK GDPR), the legal basis / bases we rely on for processing personal information for general purposes are:

#  Art. 6 GDPR Lawfulness of processing

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
	* 1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
		2. 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;
		3. processing is necessary for compliance with a legal obligation to which the controller is subject;
		4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;
		5. 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;
		6. 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.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

1. Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to processing for compliance with points (c) and (e) of paragraph 1 by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in [Chapter IX](https://gdpr-info.eu/chapter-9/).
2. 1The basis for the processing referred to in point (c) and (e) of paragraph 1 shall be laid down by:
	* 1. Union law; or
		2. Member State law to which the controller is subject.

2The purpose of the processing shall be determined in that legal basis or, as regards the processing referred to in point (e) of paragraph 1, shall be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. 3That legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia: the general conditions governing the lawfulness of processing by the controller; the types of data which are subject to the processing; the data subjects concerned; the entities to, and the purposes for which, the personal data may be disclosed; the purpose limitation; storage periods; and processing operations and processing procedures, including measures to ensure lawful and fair processing such as those for other specific processing situations as provided for in [Chapter IX](https://gdpr-info.eu/chapter-9/). 4The Union or the Member State law shall meet an objective of public interest and be proportionate to the legitimate aim pursued.

1. Where the processing for a purpose other than that for which the personal data have been collected is not based on the data subject’s consent or on a Union or Member State law which constitutes a necessary and proportionate measure in a democratic society to safeguard the objectives referred to in [Article 23](https://gdpr-info.eu/art-23-gdpr/)(1), the controller shall, in order to ascertain whether processing for another purpose is compatible with the purpose for which the personal data are initially collected, take into account, inter alia:
	1. any link between the purposes for which the personal data have been collected and the purposes of the intended further processing;
	2. the context in which the personal data have been collected, in particular regarding the relationship between data subjects and the controller;
	3. the nature of the personal data, in particular whether special categories of personal data are processed, pursuant to [Article 9](https://gdpr-info.eu/art-9-gdpr/), or whether personal data related to criminal convictions and offences are processed, pursuant to [Article 10](https://gdpr-info.eu/art-10-gdpr/);
	4. the possible consequences of the intended further processing for data subjects;
	5. the existence of appropriate safeguards, which may include encryption or pseudonymisation.

In addition, concerning any special category data:

# Art. 9 GDPR Processing of special categories of personal data

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:
	1. the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
	2. 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 in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
	3. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
	4. processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
	5. processing relates to personal data which are manifestly made public by the data subject;
	6. processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
	7. processing is necessary for reasons of substantial public interest, on the basis of 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;
	8. processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
	9. processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
	10. processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89](https://gdpr-info.eu/art-89-gdpr/)(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.
3. Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.
4. Member States may maintain or introduce further conditions, including limitations, with regard to the processing of genetic data, biometric data or data concerning health.

 **[Schools / local authorities to extend to list lawful basis / bases for each purpose that they are processing. Each of the special categories should be repeated for the purposes of transparency and explain what special category relates to what data.**

## Collecting workforce information

We collect personal information via **[explain method of data collection used, for example, staff contract forms]**

Workforce data is essential for the school’s / local authority’s operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

## Storing workforce information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit **[link to website]**

**[Schools / local authorities should explain or reference the appropriate data retention documents that show where data is held, the security arrangements (high level), and policies about safe use of data within the local authority. Ideally, this section should link to policies that are easily accessible and regularly reviewed].**

## Who we share workforce information with

We routinely share this information with:

* our local authority (where applicable)
* the Department for Education (DfE)

**[Schools / local authority to amend and extend this list to include all other parties with whom they regularly share information. For example, academy chains / federations / Multi Academy Trusts (MATs). Once stated you also need to explain why you share the data and what makes it lawful below]**

## Why we share school workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

**[School / local authority to explain why they share workforce data and insert any relevant legislation for sharing it with those named in ‘Who we share this information with’ section. It is also useful to state how the data is transferred and link to any data retention policies where available]**

Local authority **[for use by schools only - delete if not appropriate]**

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

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

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.

## 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 Executive Principal/ Principal/ Head of School/ School Business Manager/ Bursar.

Depending on the lawful basis above, you may 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 seek redress, either through the ICO, or through the courts

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/>

For further information on how to request access to personal information held centrally by DfE, please see the ‘How Government uses your data’ section of this notice.

## Withdrawal of consent and the right to lodge a complaint

**[For use where consent is the lawful basis. Therefore, where consent is NOT used, this section will need to be deleted]**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Executive Principal/ Principal/ Head of School/ School Business Manager/ Bursar.

## 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 **[insert data notice was drafted/last updated].**

## Contact

If you would like to discuss anything in this privacy notice, please contact: **[**Executive Principal/ Principal/ Head of School/ School Business Manager/ Bursar.

How Government uses your data

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

* informs departmental 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 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

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.

## How to find out what personal information DfE hold about you

Under the terms of the combined data protection laws (UK GDPR & Data Protection Act 2018), you’re entitled to ask the Department:

* if they are processing your personal data
* for a description of the data they hold about you
* the reasons they’re 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, you should make a ‘subject access request’. Further information on how to do this can be found within the Department’s 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: <https://www.gov.uk/contact-dfe>