



## Devonshire Road Primary School

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

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

- personal information (such as name, employee or teacher number, national insurance number)
- special 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)
- medical information
- next of kin
- qualifications (and, where relevant, subjects taught)

### Why we collect and use workforce information

We use workforce data to:

- a) enable the development of a comprehensive picture of the workforce and how it is deployed
- b) inform the development of recruitment and retention policies
- c) enable individuals to be paid
- d) safeguard our pupils and employees

Under the UK General Data Protection Regulation (UK GDPR), **the legal basis** we rely on for processing personal information for general purposes are (at one of these must apply):

- a) **Consent:** the individual has given clear consent for the school to process their personal data for a specific purpose
- b) **Contract:** the processing is necessary for a contract the school has with the individual, or because they have asked the school to take specific steps before entering into a contract.
- c) **Legal obligation:** the processing is necessary for the school to comply with the law (not including contractual obligations).
- d) **Vital interests:** the processing is necessary to protect someone's life.
- e) **Public task:** the processing is necessary for the school to perform a task in the public interest or for the school's official functions, and the task or function has a clear basis in law.
- f) **Legitimate interest:** the processing is necessary for the school's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

In addition, concerning any special category data:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Sexual life or orientation
- Genetic data
- Biometric data to identify and individual
- Financial information.

If the school processes special category data we must identify one of the Article 9 special category conditions in addition to the legal basis identified above:

- The data subject has given explicit consent
- Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
- The data has been made publically available by the data subject
- Necessary for the purposes of preventative or occupational medicine, for example the assessment of working capacity of an employee
- Required for exercising rights in the field of employment and social security or social protection
- Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
- Necessary to process legal claims
- Necessary for archiving statistical or historical research which is in the public interest
- Necessary for reasons of substantial public interest on the basis of U.K. law which shall be proportionate to the aim pursued.

**Data relating to criminal convictions or offences:** under GDPR, information relating to criminal convictions (includes all DBS checks even if they show no convictions/offences) can only be processed if the school is doing so in an official capacity or has specific legal authorisation to do so.

## Collecting workforce information

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.

## Storing workforce information

We hold data securely for the set amount of time shown in our data retention schedule which is detailed in the school's information Management [Policy](#).

## Who we share workforce information with

We routinely share this information with:

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

## 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.

### 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)

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 Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. This is done so in the autumn term via the Workforce Census.

### 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 Ms K. Branagan, School Business Manager (DPO): email [branagank@devonshire.bolton.sch.uk](mailto:branagank@devonshire.bolton.sch.uk) or by telephone (01204) 333614.

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

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 the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

## Contact

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

- Ms K. Branagan, School Business Manager (DPO) by email [branagank@devonshire.bolton.sch.uk](mailto:branagank@devonshire.bolton.sch.uk) or by telephone on (01204) 333614.

For further information on data held by the Local Authority, contact:

- Information Management Unit, Department of People, Bolton Council, 1<sup>st</sup> Floor, Town Hall, Bolton, BL1 1UA. Website [www.bolton.gov.uk](http://www.bolton.gov.uk) , email@ [ec.imu@bolton.gov.uk](mailto:ec.imu@bolton.gov.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 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 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're 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'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 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>