



# **Privacy Notice: Euxton Primrose Hill Primary School**

## **How We Use School Workforce Information in School**

We, Euxton Primrose Hill Primary School, are a Data Controller for the purposes of the UK General Data Protection Regulation (UK GDPR). We collect, process and hold and share personal information relating to our school workforce and may also receive information about them from the local authority and/or the Department for Education (DfE).

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

### **The categories of school workforce 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
- Contract information (such as start dates, hours worked, post, roles and salary information)
- Work absence information (such as number of absences and reasons)
- Qualifications (and, where relevant, subjects taught)
- Training information (such as mandatory (safeguarding/health and safety) and optional (first aid/CPD))
- Assessments of performance, including appraisals, performance review, and performance improvement plans
- Information about health and medical conditions, including information about disabilities
- Details of disciplinary or grievance procedures

### **The lawful basis on which we use the information is:**

We collect and use school workforce information under Article 6 and Article 9 from UK GDPR as below:

#### **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 their 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:
  - (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes,
  - (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
  - (g) processing is necessary for reasons of substantial public interest
  - (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.

Education Act 2005 sections 113 and 114 is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records.

## **Collecting school workforce information**

Whilst the majority of school workforce information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the GDPR, 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 school workforce data**

We hold staff workforce data for six years effective from the termination of employment date.

## Who we share school workforce information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
- the Teachers' Pension Scheme, or LA Pension Fund

Where we have a legal basis or obligation to do so, we may also share your data with the following:

- Ofsted
- Welfare services, such as social services
- Law enforcement such as the police or HMRC
- Professional advisors such as lawyers and consultants
- Occupation Health
- DBS
- LADO

## Why we share school workforce information

We do not share information about our school 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 school 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.

### Pension funds

We share data with the pension funds, (either the Teachers' Pension Scheme, or the LA Pension Fund), to allow accurate records to be kept of your pension entitlement.

This information is necessary to ensure they hold the correct data for the administration of the scheme as outlined in the scheme regulations, which can be found in the [Teachers' Pension Scheme Regulations](#) or in the [LGPS Pension Regulations](#).

## 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 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 please visit: <https://www.gov.uk/contact-dfe>

## Retention of Data

Except as otherwise permitted or required by applicable law or regulation, the school only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the school considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether

we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

## **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 please contact Mrs Claire Jones (Headteacher) or Mrs Joanne Vost (School Business Manager/Data Protection Officer).

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 Claire Jones (Headteacher) or Mrs Joanne Vost (School Business Manager/Data Protection Officer).