

Privacy Notice (How we use school workforce information)

St Michael's Nursery and Infant School is the data controller under the UK General Data Protection Regulation (UK GDPR) for the use of personal data explained in this Privacy Notice.

The categories of school workforce information that we process include:

- Personal information like name, address, contact details, employee or teacher number, national insurance number & bank account details.
- Special categories of data like medical information for emergency or occupational health reasons; criminal conviction or social care action information for legal and safeguarding reasons; and **protected** characteristics information like gender, age, ethnic group etc.
- Contract information like start dates, hours worked, post, roles, salary information, and pre-employment vetting information like references;
- Work absence information like the number of absences and reasons;
- Qualifications and, where relevant, subjects or specialisms taught.

Why we collect and use this information

We use school workforce data to:

- a) Provide us with a comprehensive picture of our workforce, how it is deployed, how it can be developed, and how it can be kept safe;
- b) recruit appropriately and to inform the development of recruitment and retention policies;
- c) enable individuals to be evaluated and developed in their career and be paid.

Under **UK GDPR**, the lawful bases we rely on for processing for processing personal **workforce information** are:

- 6(1)(b) to enter into or carry out a contract e.g. to employ people or buy **and use** services.
- 6(1)(c) to comply with the law e.g. recording sickness absence for benefits purposes, data sharing with child protection partners like social care, the NHS, and the Local Authority etc.
- 6(1)(a) having consent e.g. to use images and names in publicity.

When we process sensitive personal information like medical **data or criminal history**, we rely on lawful bases:

- 9(2)(a) having consent e.g. for referral to occupational health or other support services.
- 9(2)(b) to comply with the law e.g. pre-employment criminal record checks, providing reasonable adjustments for work or interview.**
- 9(2)(h) for preventative or occupational medicine or to assess the work capacity of an employee;
- 9(2)(i) to improve public health e.g. we are required to report infections, like meningitis, Covid-19¹ or e-Coli, to local and national government departments;
- 9(2)(f) to **make** or defend legal claims e.g. some special educational needs records **which include details about the staff involved**, and all accident records etc.

¹ Visit: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#information-to-collect>, if you want more information about Test and Trace, what data they collect and what they do with it.

This list is not exhaustive. For more information about the categories of information we process **and why** please see Emma Gregory in the school office to gain access to the Information Asset Register.

Collecting school workforce information

We collect personal information via job applications, references and photo and address identification.

Most of the information we ask for is required by law or necessary so we can run the school effectively and some of it is voluntary. To comply with **UK GDPR**, if you have a choice about providing information, we will tell you when we ask for it.

Storing school workforce information

We hold school workforce data securely in line with the Information and Records Management Society (IRMS) **Records Management Toolkit for Schools**. Most data about staff is kept for between 6 months and 6 years after an event or the ending of a contract, although some is kept for much longer e.g. first aid and accident records that also involved children. Unsuccessful applicant data is kept for 6 months after the date of appointment. For more information **about how long we keep some information for and why (data retention)**, and how we keep **the** data safe, please **see school's Data Protection Policy**.

Who we share school workforce information with and why

We do not share information about our workforce with anyone without consent unless the law and our policies allow us to do so. **The laws listed in this notice that require us to collect information also require us to share it.** Data is transferred securely by hand delivery or registered post, via a **government data transfer system like School to School, via a contractor's secure data sharing system like our online school trips safety system, and sometimes in other secure ways.**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring (see next section).

We also share school workforce information with:

- our payroll and pensions service provider to pay people;
- the Local Government Pension scheme (Your Pension Service) to manage pension contributions;
- HMRC for legal and tax reasons;
- organisations involved with our children like **the local authority** or other partner professionals who need the names, job titles, contact details and perhaps qualifications of our employees, the places we take children to on trips who might need more personal information like next of kin and medical needs, and workforce development **organisations** like **training providers**;
- Public Health England and, to support test and trace and similar public health emergency action, other partners like the NHS, Local Authority Public Health, and District Council Environmental Health Departments;
- Occupational Health and similar staff support services only with the consent of the individual.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. The law requires us to share information about our school workforce with the Department for Education (DfE) for the purpose of those data collections,

under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

Under [UK GDPR](#), you have the right to request access to information about you that we hold. To make a request for your personal information, contact Emma Gregory 01900608111 admin@smhwkt.cumbria.sch.uk.

Depending on which lawful basis above was used to process the data, you may also have a 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 request 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

If we are only processing your personal data because you consented, 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 Emma Gregory 01900608111 admin@smhwkt.cumbria.sch.uk

Last updated

This privacy notice was compiled using [DfE advice and model documents](#). We may need to review it periodically, so we recommend that you revisit this information from time to time. This version was last updated on 7th December 2021

Contact

If you would like to discuss anything in this privacy notice, please contact: Emma Gregory 01900608111 admin@smhwkt.cumbria.sch.uk

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 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 DfE, you should make a 'subject access request'. Further information on how to do this can be found in the DfE's personal information charter published at: www.gov.uk/government/organisations/department-for-education/about/personal-information-charter

To contact the department: www.gov.uk/contact-dfe.