Policy and Procedure

Privacy Notice for Staff & Governors

Reviewed and approved by:

Finance, Resources & Audit Committee c/o

BCWCAT Trust Board

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1.1

Privacy Notice (How we use workforce information)

Workforce is defined as all paid staff including those on placements, secondments, and agency staff. It will also include local authority staff engaged and paid by the governors of the school and for unpaid staff / volunteers.

The categories of school information that we process

These include:

- personal information (such as name, employee or teacher number, national insurance number, date of birth and address including emergency contacts)
- medical and disability information
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles, and salary information for payroll)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- employment references

This list is not exhaustive, to access the current list of categories of information we process please see the school's Data Map, sometimes called the Record of Processing Activity (RoPA).

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) to comply with HMRC and employment legislation

Use of AI (Artificial Intelligence)

How we use AI
We may use carefully selected, Trust-approved AI tools to support curriculum planning, drafting non-sensitive documents, summarising information, and improving administrative efficiency. AI assists staff but does not replace professional judgement; outputs are reviewed by a human before use.

Lawful basis
Processing is carried out under Article 6(1)(e) UK GDPR (public task) and, where appropriate for proportionate administrative uses, Article 6(1)(f) (legitimate interests). Where a feature requires consent (e.g., optional voice profiles), we will ask for it and you may withdraw consent at any time.

Special category data
We avoid using special category data with AI tools. Where its use is strictly necessary and proportionate, we will identify a valid Article 9 condition and complete/record a DPIA, applying additional safeguards.

Processors & training uses
Where AI vendors act as our data processors, we put Article 28 contracts in place (security, deletion on instruction, sub-processor controls). We do not permit vendors to use our prompts/outputs to train commercial models by default; where training is proposed, we will seek explicit consent or provide an opt-out pathway.

Automated decision-making
We do not make decisions about staff or governors that produce legal or similarly significant effects solely by automated means (Article 22 UK GDPR). Meaningful human review is always involved.

International transfers, retention & rights
If processing involves transfers outside the UK, we use appropriate safeguards (UK adequacy, IDTA/UK Addendum to EU SCCs). AI-related records are retained in line with our retention schedule and then securely deleted. Your data-protection rights (access, rectification, erasure, restriction, objection) apply as set out in this notice.

Legal bases for processing

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

Article 6 (1) (c). “processing is necessary for compliance with a legal obligation to which the controller is subject”

6 (1) (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”

In addition, concerning any special category data we rely on Article 9:

- Article 9 (2) (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes,
- 9 (2) (c) To protect the vital interests of the individual;
- 9 (2) (f) in the event of legal claims or judicial acts,
- 9 (2) (i) As required for purpose of public health (with a basis in law)

Collecting workforce information

We collect personal information from individuals directly, e.g., from application forms, starter paperwork, staff contract forms, data collection exercises and consent forms

Workforce data is essential for the school to function. 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 that you can change your mind at any time.

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 see the Data Map/RoPA and the Information and Records Management (IRMS) Toolkit for Schools IRMS Schools Toolkit - Information and Records Management Society

Who we share workforce information with

We routinely share this information with:

- Multi-academy Trust
- our Local Authority (LA) Children's Services, the LA payroll department,
- the Department for Education (DfE)
- HM Revenue and Customs (HMRC)
- HR (Human Resources) provider
- Occupational Health
- Insurance company
- IT Support provider
- Other third parties in the exercise of official functions such as educational resources

This list is not exhaustive.

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 and Department for Education (DfE)

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.

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections.

All data is transferred securely and held by the Department for Education (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.

HM Revenues and Customs (HMRC)https://irms.org.uk/general/custom.asp?page=SchoolsToolkit

The HMRC collects information about employees to maintain tax records and National Insurance (NI) contributions data in accordance with employment law and a number of statutory regulations and instruments (NI, Statutory Sick Pay, Statutory Maternity Pay etc).

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 the Head Teacher / School Business Manager or the Data Protection Officer.

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.

Withdrawal of consent and the right to lodge a complaint

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 the school office.

Contact

If you would like to discuss anything in this privacy notice, please contact: **Richard Lewis-Ogden, Data Protection Officer on DPO@bywaterkent.co.uk**

Last updated

This version was last updated in September 2024

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