

Principal
Miss. D. Givens
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Smith's Wood
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Privacy Notice for Staff – How we use your information

2022/2023

Who are we?

Smith's Wood Primary Academy is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Smith's Wood Primary Academy is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number **ZA061973**

You can contact the Academy Trust as the Data Controller in writing at:

Smith's Wood Primary Academy
Burtens Way
Smith's Wood
Birmingham
B36 0SZ
or

s48jmccarron@smithswoodpri.solihull.sch.uk

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our staff.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information reveals 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.

What personal information do we process about staff?

The categories of staff information that we collect, hold and share include:

- Personal information such as name, employee or teacher number and national insurance number
- Special categories of data including characteristics information such as gender, age, ethnicgroup
- 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
- DBS details
- Car registration details

For what purposes do we use personal information?

We use staff data to:

- Develop a comprehensive picture of the workforce and how it is deployed
- Inform the development of recruitment and retention policies
- Enable individuals to be paid and receive other staff benefit
- Ensure that we can act in an emergency
- Enable effective management of the business and ensure adequate staffing ratios during periods staff absence

Collecting staff information

Whilst the majority of staff information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain staff information to us or if you have a choice in this.

NHS Test and Trace/Public Health Agencies:

It may be necessary for us to share limited information with the above agencies in the event that an individual tests positive for Coronavirus, or if there is a Coronavirus outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. Data Protection law sets out the lawful reasons we have to process your personal information and these are as follows:

1) To comply with the law

We collect and use general purpose staff information in order to meet certain legal requirements and legal obligations placed upon the Academy Trust by UK law. We therefore have the right to process your personal information for such purposes without the need to obtain your consent.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

3) With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information is processed in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

4) To perform a public task

It is a day-to-day function of the Academy Trust to ensure that staff members receive the training and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that staff are properly supported and able to do their job.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

5) To comply with a contract we have with you or because you have asked us to take specific steps before entering into a contract

We are able to process personal information in order to comply with the contract that we have with you.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 5.

Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Necessary for carrying out obligations and exercising specific rights in relation to employment and social security and social protection law
- 3) Processing relates to personal data which is manifestly made public by the data subject
- 4) Necessary for establishing, exercising or defending legal claims
- 5) Necessary for reasons of substantial public interest
- 6) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- 7) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of sensitive category personal information that we process is set out in the tables attached.

Who might we share your information with?

We routinely share staff information with:

- Solihull MBC
- the Department for Education (DfE)
- Staff absence insurance scheme

We do not share information about our staff unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

What do we do with your information?

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. The Academy Trust monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

How long do we keep your information for?

In retaining personal information, the Academy Trust complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the Academy Trust are required to retain the information.

A copy of those schedules can be located using the following link:

<http://irms.org.uk/page/SchoolsToolkit>

We also refer to the Records Management Policy provided by Warwickshire Legal Services.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, staff members have the right to request access to information about them that we hold. To make a request for your personal information contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4RL

****Please ensure you specify which school your request relates to.**

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, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Table 1 – Personal information we are required to process to comply with the law:

InformationType	Relevant legislation	Special Category–additional lawful reason	Third Parties with whom weshare the information	Lawful reason for sharing
Staff information, including personal details ,NI number, DBS checks, qualifications, verification of right to work in the UK	Education Act 2005, Section 114 and accompanying regulations		Secretary of state, Solihull MBC, Disclosure and barring service	Legal Obligation
School workforce census including staff personal details	Education Act 1996, Section 537 and accompanying regulations		Department of Education Solihull MBC	Legal Obligation
School workforce Census – Staff Ethnicity	Education Act 1996, Section 537 and accompanying regulations	Consent	Department of Education	Legal Obligation
Accident Records	Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR)		Health & Safety Executive, Judicium Health and safety (where necessary)	Legal Obligation
Individual Staff Health & Safety Risk Assessments and Personal Emergency Evacuation Plans (PEEP)	Health and Safety at Work etc Act 1974		Not shared externally	
Qualifying Complaint Information	Education Act 2005, Section 11B		Chief Inspector	Legal Obligation
Verification of Right to work in the U.K (Single Central Record)	Education Act 2002, Section 175		Local Authority, Ofsted	Legal Obligation
Staff signing in/out information	Health and Safety at Work etc Act 1974		Not shared externally	Legal obligation

Table 2 – To protect someone’s vital interests

InformationType	Relevant legislation	Special Category– additional lawful reason	Third Parties with whom weshare the information	Lawful reason for sharing
Medical Information	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent OR Necessary for preventative/ occupational medicine		Medical staff i.e. paramedics/ambulance Responsible/First aid trained staff on residential trips	Vital Interest
Staff Dietary Requirements (food allergies)	Necessary for preventative/ occupational medicine		Medical staff i.e. paramedics/ambulance	Vital Interest
Medical Conditions & Staff Emergency Contact Details	Necessary for preventative/ occupational medicine		Medical staff i.e. paramedics/ambulance Responsible/First aid trained staff on residential trips	Vital Interest
Religious belief	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent		Medical staff i.e. paramedics/ambulance	Vital Interest
Car details	Necessary in an incident		Internal/ Emergency services	Vital interest

Table 3 - Personal information we are required to process with the consent of the individual to whom that information 'belongs'

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Photographs		Local Press/Media, Staff Medical Noticeboard, Parents & Community (Newsletter, School Website, Twitter, Annual Prospectus, Internal school displays, staff photo board).	Consent (verbal)
Staff Email address and mobile number		Teachers 2 Parents text service	Public Task

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Attendance Records at staff meetings and staff training		Not shared externally	Public Task
Staff personal characteristics i.e Religion/Gender/Ethnicity	Consent	Local Authority – Confidential Recruitment Monitoring, Diocesan Education Service annual census	Public Task & Statistical Purposes
Medical Conditions (including allergies)	Necessary for preventive or occupational medicine.	Medical staff i.e. paramedics/ambulance	Vital interests
Results of COVID-19 testing	Necessary for reasons of public health	Public Health and other public health agencies	Public task

Table 5 - Personal information we are required to process because of a contract we have with you or because you have asked us to take specific steps before entering into a contract

Information Type	Special Category	Third Parties with whom we share the information	Lawful reason for sharing
Recruitment Information – Application forms, interview notes, Medical questionnaires & references		WCC Team Prevent, Local Authority & Ofsted	Public Task / Legal Obligation
Absence Records (including number of absences, reasons for absence & self-certifications forms)		Local Authority – HR & Payroll Team	Public Task
Disciplinary action taken		Local Authority – HR advisory team where relevant	Public Task
Grievances		Local Authority – HR advisory team where relevant	Public Task
Staff Information i.e name D.O.B, address, contact details, Emergency contact details		Department of Education – school workforce	Legal Obligation
P45 Forms		Local Authority – HR & Payroll team	Public Task Consent
Consent Forms i.e GDPR, Policy Agreement		Not shared externally	
Staff personal bank details		Local Authority requirement for Payroll System	Contract
Appraisal Records, appraisal notes, feedback from colleagues, objectives, updated job descriptions, pay & promotion recommendations		Not shared externally	
Staff information, including personal details, N.I number, DBS, Address, Phone number.		Secretary of State, Solihull MBC, Warwickshire County Council, Disclosure & Barring Service,	Legal Obligation

What do we do with your information?

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. School monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as

set out above). The data collected gives the HR service the information required to ensure records are accurate for HR processes including contract management and the processing of pay, allowances and benefits. Some of this information will be shared with your school management through self-service and statistical reports. In addition to this the information may be shared internally within the wider HR service, finance and other support services where necessary. We may also need to share this information externally with HMRC, DWP, Pension Funds and in the completion of any statutory workforce returns.

How long do we keep your information for?

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Review

The content of this Privacy Notice will be reviewed in September 2023

