

Ashfield Valley Primary School

Privacy Notice (How we use school workforce information)

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)
- relevant medical information
- home addresses and telephone numbers
- DBS information and annual self-declarations
- Any disciplinary / health related absence records
- Attendance / other certificates regarding any training etc carried out at work
- First Aid Qualifications

Why we collect and use this 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
- maintain an up to date staffing structure
- maintain a Single Central Record for safeguarding purposes
- inform relevant statutory authorities and local authority of any legitimately required data

The lawful basis on which we process this information

We collect and use pupil information under **Article 6 of the General Data Protection Regulation (GDPR)**, and at least one of the following conditions would apply whenever we process personal data:

- a) **Consent:** the individual has given clear consent for us to process their personal data for a specific purpose

- b) **Contract:** the processing is necessary for a contract we have with the individual, or because they have to take specific steps before entering into a contract
- c) **Legal Obligation:** the processing is necessary for us 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 us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- f) **Legitimate Interest:** the processing necessary for our legitimate interests or the legitimate interest of a third party unless there is good reason to protect the individual's personal data which overrides those legitimate interests. This cannot apply as we are a public authority when processing data to perform our official tasks. As a public authority we will rely on official functions (e).

Where we are processing **special category data**, set out in Article 9 of GDPR, **as well as** one of the six lawful basis for processing, we will ensure that a **condition for processing** from the following list applies:

- a) **the data subject has given explicit consent** to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.
- b) processing is necessary for the purposes of **carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- c) **processing is necessary to protect the vital interests of the data subject or of another natural person** where the data subject is physically or legally incapable of giving consent. d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.
- e) processing relates to personal data which are manifestly made public by the data subject.
- 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**, on the basis of 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.
- h) processing is necessary for the **purposes of preventive or occupational medicine**, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

i) processing is necessary for **reasons of public interest in the area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

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.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, 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 this information

We hold school workforce data for as follows:

Timesheets, Sick Pay – Current year + 6yrs

Staff Personal Files – Termination + 7yrs

Staff Training records general – current year + 2yrs

Training (proof of completion/certificates/awards/results) – last action + 7yrs

Interview notes, recruitment records – interview date + 6 months

Pre-employment vetting – date of check + 6 months

Disciplinary Proceedings – Oral warning - 6 months. Written warning level one – 6 months, written warning level 2 – 12 months, final warning - 18 months, case not found - immediately.

Records relating to accident/injury at work – 12years

Annual Appraisal/assessment records – current year + 5yrs

Salary Cards – last date of employment + 85yrs

Maternity Pay Records – current year + 3yrs

Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995 – current year + 6yrs

Who we share this information with

We routinely share this information with:

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

Why we share school workforce information

We do not share information about 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)

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.

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

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 **[include details of administrator / 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:

Steven Sladen, School Business Manager, Ashfield Valley Primary School, New Barn Lane, ROCHDALE, OL11 1TA, Telephone number 01706 522758 or The Data Protection Officer, Rochdale MBC, Number One Riverside, Smith Street, ROCHDALE, OL16 9NP, Telephone number 01706 647474